



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 * 989.837.2717 Fax ♦ www.cityofmidlandmi.gov

REGULAR MEETING OF THE MIDLAND CITY COUNCIL
City Hall, 333 W. Ellsworth Street

October 10, 2016

7:00 PM

AGENDA

CALL TO ORDER - Maureen Donker, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

Boy Scout Troop 767 - American Legion Post 165

Boy Scout Troop 768 - St. Brigid Catholic Church School

ROLL CALL - Thomas W. Adams
Steve Arnosky
Diane Brown Wilhelm
Maureen Donker
Marty A. Wazbinski

CONSIDERATION OF ADOPTING CONSENT AGENDA ITEMS:

All resolutions marked with an asterisk are considered to be routine and will be enacted by one motion. There will be no separate consideration of these items unless a Council member or citizen so requests during the discussion stage of the "Motion to adopt the Consent Agenda as indicated." If there is even a single request the item will be removed from the consent agenda without further motion and considered in its listed sequence in regular fashion.

APPROVAL OF MINUTES:

1. * Approve minutes of the September 19 regular and October 3 special City Council meetings. TISDALE

PROCLAMATIONS, AWARDS, RECOGNITIONS, PRESENTATIONS:

2. Recognition of Great Lakes Loons - 2016 Midwest League Championship.
TISDALE

PUBLIC HEARINGS:

3. Consider changing City Council elections from odd years to even years (also see material sent in the August 15 agenda packet). TISDALE
4. Conditional Use Permit No. 57 - to consider a request for review and approval of a drive-thru lane servicing the Live Oak Coffeehouse in a Regional Commercial zoning district located at 711 Ashman Street (also see material sent in the September 12 agenda packet). KAYE
5. Amending the 2016-17 Currie Municipal Golf Course Fund budget to award contract to pave Madison Street. KEENAN
 - a. Amendment to the 2016-17 Currie Municipal Golf Course Fund budget to increase revenues by \$5,000 and capital expenses by \$15,000 for paving Madison Street (also see material sent in the September 19 agenda packet).
 - b. Authorizing a purchase order to Pyramid Paving and Contracting for the paving of Madison Street.

PUBLIC COMMENTS, IF ANY, BEFORE CITY COUNCIL. This is an opportunity for people to address the City Council on issues that are relevant to Council business but are not on the agenda.

ORDINANCE AMENDMENTS:

6. Introduction and first reading of an ordinance adding Section 3-48 of Chapter 3 of Article III of the Midland Code of Ordinances - Animals and Fowl. KAYE

RESOLUTIONS:

7. * Site Plan No. 353 - Larkin Village - a petition from Wahlack, LLC for site plan review and approval for a development containing 28 two family dwellings, located at 204 Commerce Drive. KAYE
8. * Approving the request of Sean VanEvery to conduct a Pokemon Go! Food Drive on Friday, October 14. MCMANUS

Considering purchases and contracts:

9. * 2016 Center City Signal Pole Painting; Contract No. 24. TISDALE
10. * Traffic Signal Head Devices and Parts - Center City Pole Painting Project. MCMANUS
11. * Fire Station 1 Renovation. COUGHLIN
 - a. * Asbestos Abatement Services
 - b. * Change Order with Three Rivers Corporation
12. * Moving Services for Washington Woods west wing apartment internal resident moves. KAYE

- [13.](#) * Jack Barstow Airport - Rehabilitate and Expand Southeast Apron Pavement - Airport Grant Agreement. MCMANUS
- [14.](#) * E10 Ethanol Blend Unleaded Fuel purchase from September 27 (4/5 vote required). MURPHY
- [15.](#) * Water Service Fittings - Water Distribution. SOVA
- [16.](#) * Desktop and Notebook computers. UNDERHILL

Setting a public hearing:

- [17.](#) * 2016-17 Budget Amendment to the Midland Police Department Fund to increase revenue from the Midland Area Community Foundation Community Investment Grant to provide for Critical Incident Response equipment (11/14). BLOCK

NEW BUSINESS:

TO CONTACT THE CITY WITH QUESTIONS OR FOR ADDITIONAL INFORMATION:

Citizen Comment Line:	837-3400
City of Midland website address:	www.cityofmidlandmi.gov
City of Midland email address:	cityhall@midland-mi.org
Government Information Center:	located near the reference desk at the Grace A. Dow Memorial Library

Backup material for agenda item:

1. * Approve minutes of the September 19 regular and October 3 special City Council meetings. TISDALE

September 19, 2016

A regular meeting of the City Council was held on Monday, September 19, 2016, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Thomas Adams, Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Marty Wazbinski

Councilmen absent: None

MINUTES

Approval of the minutes of the September 12, 2016 regular meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Adams. (Motion ADOPTED.)

SHELTERHOUSE BLUEPRINT FOR SAFETY GRANT

Community Affairs Director Selina Tisdale introduced Vicki Wakeman of the Shelterhouse. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that the Mayor is authorized to issue the attached Proclamation recognizing Shelterhouse for its receiving one of three nationally-awarded Blueprint for Safety grants from the U.S. Department of Justice Office on Violence Against Women. (Motion ADOPTED.) Mayor Donker then presented Vicki Wakeman with the proclamation of recognition.

ROLLER SKATING MONTH - OCTOBER

Community Affairs Director Selina Tisdale introduced Sara TerBergh from Captain Dave's Family Entertainment Center. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski:

RESOLVED, that the Mayor is authorized to issue the attached Proclamation designating October 2016 as Roller Skating Month in the City of Midland. (Motion ADOPTED.) Mayor Donker then presented Sara TerBergh with the proclamation.

WOMEN'S STUDY CLUB 100TH YEAR ANNIVERSARY CELEBRATION

Community Affairs Director Selina Tisdale introduced Alice Morgan. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Adams:

RESOLVED, that the Mayor is authorized to issue the attached Proclamation recognizing the 100 year anniversary of the Midland Women's Study Club on November 21, 2016. (Motion ADOPTED.) Mayor Donker then presented Alice Morgan with the proclamation.

PUBLIC COMMENTS

No public comments were made.

ROAD MILLAGE RENEWAL PROPOSAL BROCHURE

City Engineer Brian McManus presented information on the Road Millage Renewal Proposal. The following resolution was then offered by Councilman Adams and seconded by Councilman Wazbinski:

WHEREAS, the City Engineer has indicated the need for street funding to keep the City's street system condition in good repair; and

UNAPPROVED

WHEREAS, on July 19, 2016 the Midland County Board of Commissioners approved road millage proposal language to place a one mill road millage renewal on the November 8, 2016 General Election ballot; and

WHEREAS, city administration desires to produce and distribute an informational brochure related to the road millage ballot proposal; now therefore

RESOLVED, that the city administration is hereby authorized and instructed to prepare and distribute an informational brochure regarding the road millage proposal on the November 8, 2016 General Election ballot, and the Assistant City Manager is hereby authorized to invoice the Midland County Road Commission for its equal share of the brochure expenses. (Motion ADOPTED.)

CURRIE GOLF COURSE - \$5,000 GIFT

Paul Milholland, General Manager Currie Golf Course, presented information on a gift of \$5,000 from Mary Currie to help fund the Currie Golf Course's paving of a portion of Madison Street. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, Mary Currie has pledged the Currie Municipal Golf Course a gift in the amount of \$5,000 to put towards the paving of Madison Street; now therefore

RESOLVED, that the City Council of the City of Midland graciously accepts this gift of \$5,000 from Mary Currie. (Motion ADOPTED.)

PROPOSED 2016-17 CURRIE MUNICIPAL GOLF COURSE BUDGET AMENDMENT

Paul Milholland, General Manager Currie Golf Course, presented information on the proposed 2016-17 Currie Municipal Golf Course Fund budget amendment to increase revenues and capital expenses for the Madison Street paving. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, the City wishes to pave all of Madison Street at a cost of \$23,000, but has previously budgeted only \$8,000 for this project; and

WHEREAS, the City has \$18,000 of prior-year revenue which can be appropriated towards this project and Mary Currie has pledged to give the City \$5,000 to pay for the remainder of this project; and

WHEREAS, it is necessary to amend the 2016-17 Currie Municipal Golf Course Fund budget to increase revenues by \$5,000 and expenditures by \$15,000 in order to recognize additional revenue new to 2016-17 and to provide sufficient budgetary authority for paving all of Madison Street; now therefore

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m. Monday, October 10, 2016 in the Council Chambers of City Hall on the proposal to amend the 2016-17 Currie Municipal Golf Course Fund budget to increase revenues by \$5,000 and expenses by \$15,000 to recognize the gift from Mary Currie, and provide budgetary authorization to pave all of Madison Street; and

RESOLVED FURTHER, that the City Clerk is hereby directed to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

CURRIE GOLF COURSE - \$30,000 GIFT

Paul Milholland, General Manager Currie Golf Course, presented information on a \$30,000 gift from the Midland Area Community Foundation Currie Golf Course Endowment Fund to replace the outside doors of Currie Clubhouse. The following resolution was then offered by Councilman Adams and seconded by Councilman Arnosky:

UNAPPROVED

WHEREAS, the Midland Area Community Foundation – Currie Family Endowment Fund for the Currie Municipal Golf Course, has given the Currie Municipal Golf Course a gift in the amount of \$30,000 for the purchase of replacement doors at the Currie West Club House; now therefore RESOLVED, that the City Council of the City of Midland graciously accepts this gift of \$30,000 from the Midland Area Community Foundation – Currie Family Endowment Fund for the Currie Golf Course. (Motion ADOPTED.)

2015-16 LIBRARY BOARD ANNUAL REPORT

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, the Grace A. Dow Memorial Library Board has submitted an annual report for fiscal year 2015-2016 in accord with Article I of Chapter 14 of the Midland Code of Ordinances; and WHEREAS, the Library Board has identified in the annual report activities that are in compliance with the duties defined in the ordinance; now therefore RESOLVED, that the 2015-2016 Annual Report of the Grace A. Dow Memorial Library Board be received and filed. (Motion ADOPTED.)

CURRIE MUNICIPAL GOLF COURSE CLUBHOUSE DOORS

Paul Milholland, General Manager Currie Golf Course, presented information on the replacement and installation of doors at the Currie Clubhouse. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for replacement commercial doors, Bid No. 3802; and WHEREAS, sufficient funds are included in the 2016-17 Currie Municipal Golf Course Fund budget; and WHEREAS, the proposal received from Architectural Glazing Systems of Mt. Morris has been found to be in compliance with the bid specifications and advisable for execution; now therefore RESOLVED, that the proposal meeting City specifications submitted by Architectural Glazing Systems of Mt. Morris for the purchase and installation of four sets of double doors and hardware in the response for Bid No. 3802 is hereby accepted; and RESOLVED FURTHER, that a purchase order for \$24,409 to Architectural Glazing Systems of Mt. Morris in accord with this resolution and City specifications is hereby authorized; and RESOLVED FURTHER, that the City Manager is authorized to approve change orders relating to the purchase and installation of these doors not to exceed \$1,200 in total. (Motion ADOPTED.)

BUILDING DEPARTMENT – myCOMMUNITY SOFTWARE

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, the City of Midland utilizes a suite of financial and reporting software purchased from New World, a Tyler Erp Solution; and WHEREAS, New World has developed a myCommunity module for field inspection and remote data entry purposes; and WHEREAS, the City of Midland has evaluated the myCommunity module and determined that its use would significantly enhance service delivery to the community and improve internal departmental efficiency; and WHEREAS, competitive bids are impractical as the myCommunity module is designed and available for use only as an enhanced module in the proprietary New World software system; and

UNAPPROVED

WHEREAS, sufficient funds are included in the approved General Fund, Building Inspection 2016/17 budget for the software purchase and the Information Services budget for associated training costs; now therefore

RESOLVED, that a purchase order in the amount of \$35,630.00 to New World, a Tyler Erp Solution, is hereby authorized in accord with this resolution and City Specifications. (Motion ADOPTED.)

DIAL-A-RIDE MASTER AGREEMENT

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, the City of Midland has the authority to contract with the Michigan Department of Transportation for State and/or Federal funds for passenger transportation- related services; and

WHEREAS, the City of Midland does hereby approve Master Agreement No. 2017-0099; and
WHEREAS, this resolution shall also approve execution of Project Authorizations for any programs designated by the City of Midland and/or Project Authorizations for any amount determined by the City of Midland with the Michigan Department of Transportation which are issued under Master Agreement No. 2017-0099; now therefore

RESOLVED, that the Mayor and City Clerk be authorized and directed to execute Master Agreement No. 2017-0099 for and on behalf of the City of Midland; and

RESOLVED FURTHER, that the City Manager be authorized to enter into and execute on behalf of the City of Midland all such Project Authorizations with the Michigan Department of Transportation for passenger transportation-related services for the agreement period. (Motion ADOPTED.)

PURCHASE OF POLICE AND LIGHT DUTY VEHICLES

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, bids for light and medium duty vehicles are solicited by the State of Michigan's Extended Purchasing Program on a bi-annual basis, and the City of Midland is authorized to make purchases from this program; and

WHEREAS, sufficient funding for the purchase of three police patrol vehicles, one utility van, one passenger mini-van, one 4x2 pickup truck, and one 4x4 pickup truck is included in the FY 2016/17 Equipment Revolving Fund for Capital Outlay as replacements for existing aging, high maintenance units; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to issue purchase orders to the State of Michigan's selected vendors, LaFontaine Dodge of Lansing, Michigan in the amount of \$73,614 for three Dodge Charger patrol cars, and Signature Ford of Owosso, Michigan in the amount of \$92,388 for one Ford Transit Cargo Van, one Ford Transit Connect mini passenger van, one Ford F-150 4x2 pickup truck and one Ford F-150 4x4 pickup truck, all in accordance with the State of Michigan's Extended Purchasing Program's proposal and specifications. (Motion ADOPTED.)

STREET TREE REPLACEMENT PROGRAM

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, sealed proposals were advertised and received in accordance with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No. 3760, "Street Tree Replacement"; and
WHEREAS, the low bidder, Agroscaping, Inc. of Swartz Creek, Michigan, has offered to extend their bid prices for the 2016 fall planting season; and

UNAPPROVED

WHEREAS, City staff have been satisfied with the quality of the trees and the service provided by Agroscaping, Inc. to date; and
WHEREAS, adequate funding for the planting of replacement outlawn trees is included in the FY 2016-2017 Forestry budget; now therefore
RESOLVED, that the issuance of a purchase order to Agroscaping, Inc. of Swartz Creek, Michigan not to exceed \$65,000.00 for the planting of replacement trees in the city rights-of-way in accordance with the proposal and City specifications is hereby authorized. (Motion ADOPTED.)

UNLEADED FUEL PURCHASE

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows for the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next City Council meeting; and
WHEREAS, City Council reviewed the process on December 21, 2009 and decided to continue as it still provides a significant cost savings to the City; and
WHEREAS, the volatility of the fuel market does not allow for staff to follow the usual sealed bid process for purchases exceeding \$20,000; and
WHEREAS, staff instead uses a competitive bid process whereby fuel vendors fax in prices that are valid for a particular day with the bid awarded to the lowest priced vendor; now therefore
RESOLVED, that the requirements for sealed proposals for the purchase of fuel are waived due to the volatility of the fuel market; and
RESOLVED FURTHER, that the purchase of 13,401 gallons of E10 ethanol blend unleaded fuel from Tri-Lakes Petroleum of Alma, Michigan for \$20,139.02 executed by the Senior Procurement Accountant on August 16, 2016, is hereby approved. (Motion ADOPTED.)

DIESEL FUEL PURCHASE

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows for the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next City Council meeting; and
WHEREAS, City Council reviewed the process on December 21, 2009 and decided to continue as it still provides a significant cost savings to the City; and
WHEREAS, the volatility of the fuel market does not allow for staff to follow the usual sealed bid process for purchases exceeding \$20,000; and
WHEREAS, staff instead uses a competitive bid process whereby fuel vendors fax in prices that are valid for a particular day with the bid awarded to the lowest priced vendor; now therefore
RESOLVED, that the requirements for sealed proposals for the purchase of fuel are waived due to the volatility of the fuel market; and
RESOLVED FURTHER, that the purchase of 12,997 gallons of regular #2 diesel fuel from Paxson Oil of Saginaw, Michigan for \$20,771.81 executed by the Senior Procurement Accountant on August 31, 2016, is hereby approved. (Motion ADOPTED.)

FERRIC CHLORIDE TANK REPLACEMENT

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

UNAPPROVED

WHEREAS, the Midland Water Treatment Plant (WTP) utilizes as its primary water treatment chemical, Ferric Chloride (FeCl_3), to remove impurities in the water, and is stored in two 10,000 gallon bulk storage tanks located inside of the WTP; and

WHEREAS, the existing tanks are original to the plant construction in 1983, and are beyond their expected service life; and

WHEREAS, sealed proposals were received and opened for Bid No. 3794, Ferric Chloride Tank Replacement, for the removal of two existing ferric chloride bulk storage tanks and the installation of two new ferric chloride bulk chemical storage tanks at the water treatment facility, in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, staff has reviewed the responses received and has determined that the low bid submitted by TSP Services of Redford in the total amount of \$259,812.00 is acceptable; and

WHEREAS, funding has been budgeted for this purpose in Fiscal 2016/17 Water Enterprise Fund Account #591.9010.97.002 – Capital Outlay Construction; now therefore

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute a contract with TSP Services in an amount not to exceed \$259,812.00 for the removal and replacement of two existing ferric chloride bulk storage tanks at the WTP; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the contract in an aggregate amount not to exceed \$20,000.00. (Motion ADOPTED.)

Being no further business the meeting adjourned at 7:40 p.m.

Selina Tisdale, City Clerk

October 3, 2016

A special joint meeting of the City Council and the Downtown Development Authority was held on Monday, October 3, 2016 at 6:00 p.m. in the Community Room at the Grace A. Dow Memorial Library. Mayor Donker presided.

Council members present: Thomas Adams, Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Marty Wazbinski

Council members absent: None

Commission members present: Bobbie Arnold, Cathy Bott, Bo Brines, Brad Kaye, David Kell, Marty McGuire, Bob Rathbun, Bridget Staffileno, Jim Wright

Commission members absent: Paul Barbeau, Jon Lauderbach, Bo Miller

PROPOSED STREETSCAPE DESIGN AND ELEMENTS

Community Affairs Director Selina Tisdale presented an overview of the history and current conditions of the downtown Midland streetscape, the public input process used to develop the draft design, and cost estimates and funding sources for the project.

SmithGroupJJR Principal and project team leader Bob Doyle reviewed elements of the proposed streetscape design.

Comments were received from the public.

Being no further business the meeting adjourned at 7:55 p.m.

Selina Tisdale, City Clerk

Backup material for agenda item:

2. Recognition of Great Lakes Loons - 2016 Midwest League Championship.
TISDALE

SUMMARY REPORT TO MANAGER

for City Council Meeting of 10/10/16

**SUBJECT: PROCLAMATION OF RECOGNITION – GREAT LAKES
LOONS MIDWEST LEAGUE CHAMPIONSHIP**

RESOLUTION

SUMMARY: This resolution authorizes the Mayor to issue a proclamation of recognition to the Great Lakes Loons baseball team for their winning the 2016 Midwest League championship, the first in team history.

ITEMS

ATTACHED:

1. Letter of Transmittal
2. Resolution authorizing the Mayor to issue a Proclamation of Recognition
3. Proclamation of Recognition

COUNCIL

ACTION:

1. 3/5 vote required to approve resolution.

Katie Guyer
Communications Coordinator

10/5/16



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

October 5, 2016

Jon Lynch, City Manager
City of Midland
Midland, MI 48640

Dear Jon:

During the 2016 Midwest League baseball season, the Great Lakes Loons secured a wildcard playoff spot and entered its fifth postseason since the team's founding in Midland in 2007. Through their tough play and perseverance, the team earned its first Midwest League championship in team history, culminating in a 9-8 win over the Clinton LumberKings at Dow Diamond on Sunday, September 18, 2016.

Attached is a resolution that authorizes the Mayor to issue a proclamation of recognition congratulating the Loons and their players, coaches, and staff on their 2016 Midwest League championship win.

Sincerely,

Katie Guyer
Communications Coordinator
(989) 837-3307



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

RESOLVED, that the Mayor is authorized to issue the attached Proclamation of Recognition congratulating the Great Lakes Loons on their winning the 2016 Midwest League championship, the first in team history.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk

T: LoonsChampionship-2016.doc



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

IN RECOGNITION

WHEREAS, during the 2016 Midwest League baseball season, the Great Lakes Loons reached the postseason by securing a wildcard playoff spot; and

WHEREAS, the team progressed through the postseason to win the 2016 Midwest League championship by defeating the Clinton LumberKings in 4 games, culminating with a 9-8 win on Sunday, September 18, 2016; and

WHEREAS, the team brought much excitement and pride to the Midland community through its spirited play and perseverance; and

WHEREAS, the team's 2016 championship run is the Loons' fifth trip to the Midwest League postseason and the first championship win in the team's 9-year history; now therefore

RESOLVED, we, the Mayor and City Council of the City of Midland, Michigan, proudly congratulate the players, coaches, and staff of the Great Lakes Loons on their 2016 Midwest League championship win.

*Issued by Council Authorization
Given Monday, October 10, 2016.*

Maureen Donker, Mayor

Attest:

Selina Tisdale, City Clerk

Backup material for agenda item:

3. Consider changing City Council elections from odd years to even years (also see material sent in the August 15 agenda packet). TISDALE

**SUMMARY REPORT TO CITY MANAGER
for City Council meeting of October 10, 2016**

SUBJECT: A resolution to change City Council elections from odd year to even-numbered years.

INITIATED BY: Selina Tisdale, Director of Community Affairs

RESOLUTION SUMMARY: This resolution extends the term of the seated City Council to November 2018 and moves the Midland City Council election years from odd to even-numbered years.

ITEMS ATTACHED:

1. Letter of transmittal
2. E-CityHall Survey Results Report
3. Resolution

CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolution



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

October 4, 2016

Mr. Jon Lynch
City Manager

Dear Mr. Lynch,

At the August 15, 2016 City Council meeting a discussion was held on the feasibility of moving City Council elections from their current November date in the odd-year to a November date in the even-year.

This topic was first introduced at the City Council retreat held in January of this year and revisited in August at which time City Council expressed an interest in gathering further public input on the proposal.

In 2012 the State of Michigan approved a package of election-related bills designed to help streamline election dates and provided a mechanism for cities that hold odd-year elections to move to the November general election date (even-year election).

The City spends approximately \$20,000 per City Council election and averages a less than 10% voter turnout on those ballots where the City Council election is the only item on the ballot.

State Election Law now provides a way for a local municipality to change to even-year elections by holding a public hearing and passing a council resolution that would provide for a one-time extension of the seated council terms by one year in order to synch with the new election cycle thus moving the municipality to an even-year election cycle.

In August, City staff recommended, and City Council agreed, that a broader public input process be undertaken before bringing this recommendation back for council consideration.

Public Input

The City's new public engagement platform, E-CityHall, was utilized to gather public comments that could complement comments that council members might have received directly or would be presented during the public comments portion of this agenda item. A report of verbatim comments received is attached for council consideration.

The question: *Should the City of Midland's City Council elections be moved from November in the "odd years" to November in the "even years"?* was posed via E-CityHall

and supporting information was provided to viewers. Online comment was taken from September 1 through September 30, 2016.

This survey received:

- 115 views
- 69 responses
- the equivalent of 3.5 hours of public input

Respondents were:

- 93% in favor of the recommendation (64 respondents)
- 7% opposed to the recommendation (5 respondents)

There were only three related comments made in opposition, the fourth comment was unrelated to the topic. The three applicable comments were specific to local issues being overshadowed on larger, more complex, State and Federal election ballots. The specific comments were:

- I'd rather municipal elections have a local focus rather than being swept up in national politics;
- Our even-year ballots are enormous. State and federal issues and campaigns dominate, driving local decisions literally to the back (or bottom) of the ballot where they get lost or ignored. In addition, clerks have better access to better-trained and experienced election workers when those workers are working an election each year. Odd-year local elections allow local concerns and local candidates to "have the floor" and the full attention of the voters. Please keep the odd-year city election format;
- Even year election ballots are already far too large - state and national politics dominate, leaving local elections as an afterthought at best. Odd year elections for local offices and local issues is the best way to go. The problem with turnout is not the year.

Three comments were made that supported the recommendation but not the process being used to implement it; concerns were expressed about the council extending its own term by a year.

In looking at the comments in support of the topic:

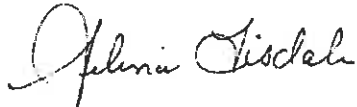
- The most frequent comments made were in support of getting more people to vote in council elections (21 comments);
- Support of the cost savings provided by this measure (19 comments);
- A few comments were made as to the efficiency this move would bring (3); and
- Two comments reflected a trust in the responsible leadership of our City Council.

We did have one question posed as to whether or not the repeal of straight-party voting would affect this proposal. The short answer is no, as City Council elections are non-partisan.

Based on the favorable response received via E-CityHall and that no other public comment has been received to our office since presenting this topic in August, a resolution has been provided that would extend the terms of the seated council to November 2018 and change the Midland City Council election cycle to the even-numbered year. If approved, the next City Council election would be held on November 6, 2018. The city council elections would then follow on the new even-year election cycle.

If, after holding the public hearing at the council meeting of October 10, City Council should decide not to move forward with this recommendation, City Council may choose to reject the resolution and no changes will be made in the odd-year election cycle for Midland City Council members. The next City Council election would proceed as scheduled on November 7, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Selina Crosby Tisdale". The signature is fluid and cursive, with the first name "Selina" being more prominent.

Selina Crosby Tisdale
City of Midland
Community Affairs Director

Survey: Moving City Council elections to even year election cycle



E-CityHall is not a certified voting system or ballot box. As with any public comment process, participation in E-CityHall is voluntary. The responses in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.

As of October 3, 2016, 9:56 AM | <http://www.peakdemocracy.com/3960>

Question:

Should the City of Midland's City Council elections be moved from November in the "odd years" to November in the "even years"?

As of October 3, 2016, 9:56 AM, this forum had:

Attendees: 115

All Responses: 69

Hours of Public Comment: 3.5

This topic started on September 1, 2016, 10:48 AM.

This topic ended on October 3, 2016, 9:42 AM.

Responses

Are you in favor of moving City Council elections to an even year election cycle?

		%	Count
Yes		92.8%	64
No		7.2%	5

Comments/Concerns about the proposed election change:

Answered - 39

Skipped - 30

Word Cloud:

2018 3 ballot change cost council cycle effective election
 elections even get how increase issues local m makes members
 money more odd out participation people process save saves
 sense state turn turnout up vote voter voters voting was
 year years

Responses in Support

Name not shown (registered) September 27, 2016, 11:21 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

It seems far more fiscally responsible to leverage existing elections for local issues. Concerns of diminishing the focus on local issues seem minimal.

Name not available (unclaimed) September 26, 2016, 7:46 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

Please do this

Name not available (unclaimed) September 25, 2016, 6:22 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

Hopefully more people will show up to vote

Name not available (unclaimed) September 24, 2016, 10:09 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Jon Moening (registered) September 24, 2016, 4:57 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Bill Barker (registered) September 24, 2016, 12:49 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Name not shown (registered) September 24, 2016, 8:39 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

Cost savings should be a consideration but voter turnout will be higher in those years with a presidential election

Name not shown (registered) September 24, 2016, 8:06 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

Too often these items get presented on the back of the ballot. And no matter how many times we election workers bring to the voters' attention the need to turn their ballot over, a significant number don't. Hopefully, this change would include more voters in the process of the election for this position.

Name not available (unclaimed) September 24, 2016, 7:39 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Troy Dowling (registered) September 24, 2016, 7:04 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Name not available (unclaimed) September 23, 2016, 8:57 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Grant Kimmerly (registered) September 23, 2016, 7:21 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

I've been given to understand that the even year election cycle would cost Midland less than the odd year cycle --I'm all for that!

Name not available (unclaimed) September 23, 2016, 5:35 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Dawn Rosebush (registered) September 22, 2016, 9:02 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

It seems to be the most cost effective way to vote. These aren't the best of times, and things are getting more and more expensive, so I believe the city should be taking every consideration to save money where ever it can be saved.

Name not shown (registered) September 18, 2016, 2:10 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

This makes a lot of sense. To spend over \$20,000 on an election with one candidate does not. Change the date to coincide with 'bigger' elections.

Name not available (unclaimed) September 14, 2016, 9:10 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

Odd year elections get a poor turnout, so it's almost an election using the "in" voters

Name not available (unclaimed) September 14, 2016, 2:39 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Name not available (unclaimed) September 14, 2016, 11:16 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Name not shown (registered) September 14, 2016, 10:09 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Stephen Kalafut (registered) September 14, 2016, 6:40 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

This makes sense as a cost saver and improved voter turnout.

Name not available (unclaimed) September 13, 2016, 1:45 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

In favor of anything that increases voter turnout.

Name not available (unclaimed) September 13, 2016, 12:13 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

Let's be more efficient with the election process!

Name not available (unclaimed) September 13, 2016, 12:10 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Name not available (unverified) September 12, 2016, 6:36 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

Makes cost and offers the opportunity for more voters to be involved.

Name not available (unclaimed) September 12, 2016, 5:41 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Name not available (unclaimed) September 12, 2016, 3:58 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Name not available (unclaimed) September 12, 2016, 3:40 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

It would save money, and perhaps improve turnout. There is a danger if the ballot is very long that voters will not get through the entire ballot.

Linda Malekadel (registered) September 12, 2016, 1:43 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Name not available (unclaimed) September 12, 2016, 9:51 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Tony Reder (registered) September 11, 2016, 8:55 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

Better voter turn out is important to me and if it helps some of the cost that works for me.

Name not available (unclaimed) September 11, 2016, 8:29 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

I am concerned that the city will decide to skip one election cycle and effective stay in office for three years. This is rumor I am hearing. Very non-democratic.

Teri Bickmore (registered) September 11, 2016, 12:28 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

Everything about it makes sense.

Jason Hall (registered) September 9, 2016, 12:42 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

I do think that by moving the elections to the even years there would be a greater chance of an informed election and it would obviously be more efficient to coincide with other election cycles. However, I would suggest that if this legislation were to be approved that the approval would begin during and effective in the 2018 election cycle. So to not confuse current voters with yet more candidates this late after absentee ballots are already being sent out for 2016.

Name not available (unclaimed) September 9, 2016, 10:23 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

This is an example of responsible leadership, and I applaud the idea of both improving voter turnout and saving taxpayer money.

Name not shown (registered) September 8, 2016, 10:35 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

I'm sure that the participation level of registered voters will increase if aligned with state and federal election voting. Also, saving money of separate voting processes in odd years sounds like the prudent way to go. If state legislators vote to repeal the pick the party option, how will this affect the movement to even years?

Name not shown (registered) September 8, 2016, 12:12 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

It only makes sense! Besides a larger voter turn out, it saves a lot of \$\$\$ unnecessarily spent.

Name not available (unclaimed) September 7, 2016, 8:48 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

Save money and increase likely voter participation.

Name not available (unclaimed) September 7, 2016, 8:37 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

Saves money, maybe more participation, no downside that I can see

Name not shown (registered) September 7, 2016, 6:59 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

Using our limited resources wisely is sensible. The impact on voter turnout will be enhanced with this change.

Name not available (unclaimed) September 7, 2016, 6:14 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Lyn Frazier (registered) September 7, 2016, 4:48 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

I believe even year elections will increase voter participation in local elections.

Name not available (unclaimed) September 7, 2016, 11:45 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Ken Pederson (registered) September 7, 2016, 10:36 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

The voter turnout for stand-alone City Council elections says it all.

Name not shown (registered) September 7, 2016, 10:33 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

It's ridiculous how low the voter turnout is in the off years. It is not representative and needs to be changed. It makes sense to synchronize this and save \$.

Name not available (unclaimed) September 7, 2016, 9:40 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Al Zimmerman Jr (registered) September 7, 2016, 9:37 AM

Are you in favor of moving City Council elections to an even year election cycle?
Yes

Comments/Concerns about the proposed election change:

Makes sense, suspect there will be more participation in voting for local offices. I oppose any extension of current terms though. If it requires a shorter term and another election a year later, or knowing up front the next election will be for a year longer, that would be fine. To just extend current City Council members terms I feel would not be acceptable.

Name not available (unclaimed) September 7, 2016, 8:45 AM

Are you in favor of moving City Council elections to an even year election cycle?
Yes

Comments/Concerns about the proposed election change:

Saves money and staff time! Common sense.

Name not shown (registered) September 7, 2016, 8:42 AM

Are you in favor of moving City Council elections to an even year election cycle?
Yes

Comments/Concerns about the proposed election change:

No response

Name not shown (registered) September 7, 2016, 8:15 AM

Are you in favor of moving City Council elections to an even year election cycle?
Yes

Comments/Concerns about the proposed election change:

No response

Name not available (unclaimed) September 7, 2016, 8:03 AM

Are you in favor of moving City Council elections to an even year election cycle?
Yes

Comments/Concerns about the proposed election change:

No response

Name not shown (registered) September 7, 2016, 7:49 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

The change should take effect next year or sooner, with an election either held on short notice this year or still hold an election next year for a 1-year term city council, then pick up even year elections in 2018. Extending their terms should not be the solution.

Name not shown (registered) September 7, 2016, 7:47 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

Makes sense. I also have high trust level in our city council. They have shown themselves to represent and manage well.

Jim Malek (registered) September 7, 2016, 7:24 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Name not shown (registered) September 6, 2016, 9:25 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Name not available (unclaimed) September 6, 2016, 1:42 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

In light of low voter turn out in odd years, it makes time and cost sense. While it was mentioned 3 members would be reelected by fellow members, they were originally voted in by the voting citizens. I don't see a problem with this process.

Name not shown (unverified) September 6, 2016, 1:42 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Name not shown (registered) September 6, 2016, 1:02 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Name not available (unclaimed) September 5, 2016, 4:30 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Ray Senesac (registered) September 5, 2016, 6:50 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

The proposed change will increase the number of people voting in the City Council election, reduce costs and perhaps encourage more people to run for a position on the City Council. This is certainly an improvement over what we have today. The process used to implement this is completely unacceptable to me. While it was not stated, I assume this needs to pass by a majority vote. This means that 3 people on the Council can make the change. I have no problem with 3 people being able to change the election to even numbered years. That is how the City Council is supposed to work. But it also means that 3 people out of the entire city can elect the City Council members for the 2017 - 2018 year. During the Nov. 2017 - Nov. 2018 year we will have a City Council that was not elected by the citizens of Midland but rather was elected by 3 to 5 people that actually elected themselves. Implementing this change should not require taking away my right to vote for my representative on the Council for this one year.

Name not available (unclaimed) September 4, 2016, 11:42 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Marcia Dilling (registered) September 4, 2016, 10:56 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Name not shown (registered) September 2, 2016, 2:19 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

Makes sense. Saves money and uses my time more wisely.

Name not available (unclaimed) September 2, 2016, 8:37 AM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

The state has already moved school board elections to Nov. It should increase public engagement for the city council to be on the ballot with other races.

Name not shown (registered) September 1, 2016, 8:17 PM

Are you in favor of moving City Council elections to an even year election cycle?

Yes

Comments/Concerns about the proposed election change:

No response

Responses in Opposition:

Name not available (unclaimed) September 24, 2016, 10:51 AM

Are you in favor of moving City Council elections to an even year election cycle?

No

Comments/Concerns about the proposed election change:

Even year election ballots are already far too large - state and national politics dominate, leaving local elections as an afterthought at best. Odd year elections for local offices and local issues is the best way to go. The problem with turnout is not the year.

Name not available (unclaimed) September 12, 2016, 3:04 PM

Are you in favor of moving City Council elections to an even year election cycle?

No

Comments/Concerns about the proposed election change:

No response

Rodney C. Nanney, AICP (registered) September 8, 2016, 12:17 PM

Are you in favor of moving City Council elections to an even year election cycle?

No

Comments/Concerns about the proposed election change:

Our even-year ballots are enormous. State and federal issues and campaigns dominate, driving local decisions literally to the back (or bottom) of the ballot where they get lost or ignored. In addition, clerks have better access to better-trained and experienced election workers when those workers are working an election each year. Odd-year local elections allow local concerns and local candidates to "have the floor" and the full attention of the voters. Please keep the odd-year city election format

Name not shown (registered) September 7, 2016, 8:31 AM

Are you in favor of moving City Council elections to an even year election cycle?

No

Comments/Concerns about the proposed election change:

I'd rather municipal elections have a local focus rather than being swept up in national politics

Name not available (unclaimed) September 2, 2016, 2:18 PM

Are you in favor of moving City Council elections to an even year election cycle?

No

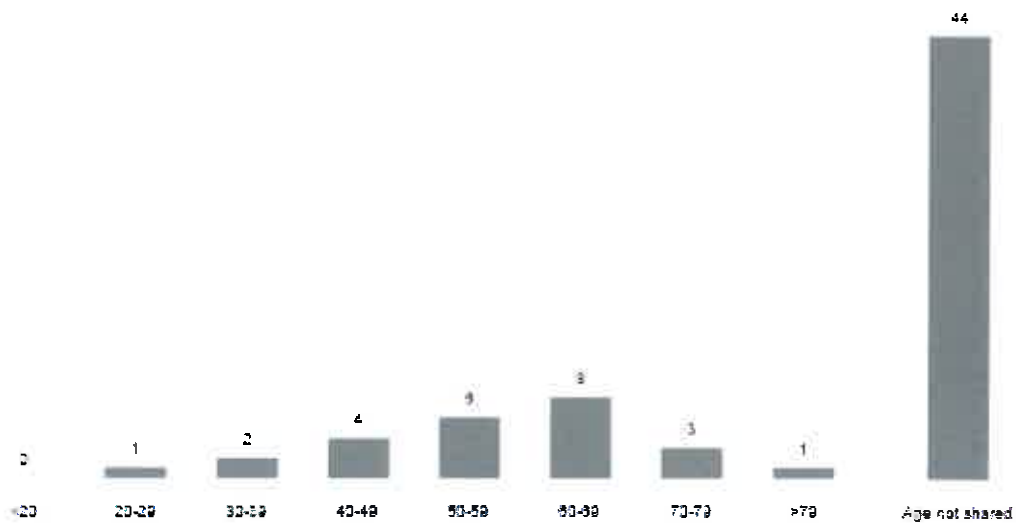
Comments/Concerns about the proposed election change:

Quit moving elections around and get to work on a Harambe memorial statue.

Age group



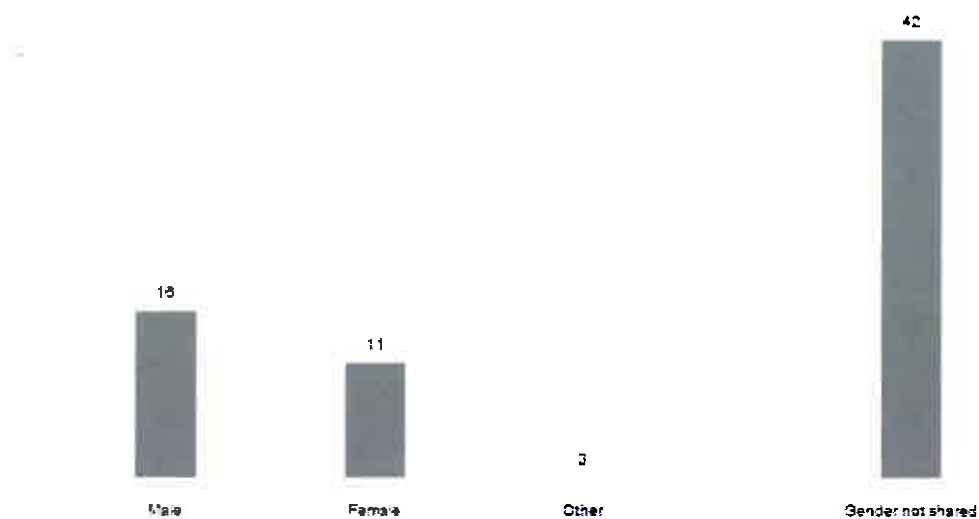
69 Responses



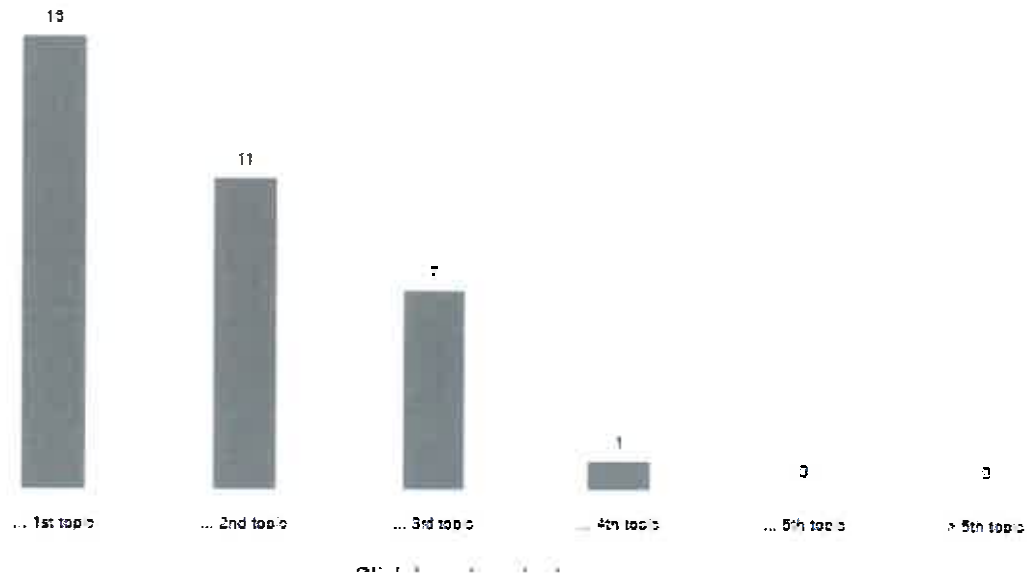
Gender



69 Responses



Frequency of participation

**Registered Responses from users participating on their...**



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax

BY COUNCILMAN

WHEREAS, the city of Midland regularly conducts its City Council elections in November of each odd number year per Section 10.4 of the City Charter; and

WHEREAS, at each regular City Council odd-year November election the City's five council members are elected for two-year terms per Section 3.3 of the City Charter; and

WHEREAS, a primary is held through nominating petition in August of each odd year per Section 10.3 of the City Charter; and

WHEREAS, Section IV (4) (2) (a) (4) of the Michigan Election Code MCL 168.642(a)(4), as added by 2012 PA 523, authorizes a city that holds elections for city officers at the odd-year November election to change its regular election schedule to future years to even-year city November elections by the adoption of a resolution in compliance with the requirements of Section 642 of the Michigan Election Code, MCL 168.642, provided that the terms of the City's elected officers elected hereto for and at the last off-year November city election in November of last year (2015) are not shortened and that those terms of elected city officers continue until their successors are elected and qualified at the next regular city election (MCL 168.644 (g)(1); and

WHEREAS, there has been interest expressed in the consideration of holding regular city elections in November of each even-number year and for continuing the terms of the five councilmen for two years; and

WHEREAS, the City Council has held a public hearing regarding this resolution pursuant to the published notice of the public hearing; now therefore

RESOLVED, that the date of the regular city election is changed from the first Tuesday after the first Monday in November of each odd-numbered year to the first Tuesday after the first Monday in November of each even-numbered year commencing with the regular city election in November 2018 resulting in the last city regular odd-year November election being held on November 3, 2015; and

RESOLVED FURTHER, that a primary through nominating petitions shall be held, at the August primary for each year in which there is a city regular November election pursuant to Section 10.3 of the City Charter; and

RESOLVED FURTHER, that the term of the Mayor duly elected at the odd-year November election on November 3, 2015 shall continue until the election in November 2018; and

RESOLVED FURTHER, that the terms of the five (5) council members duly elected on November 3, 2015 whose terms would otherwise expire in November 2017 shall continue until the election in November 2018; and

RESOLVED FURTHER, that the city clerk is hereby instructed to file this resolution with the County Clerk of Midland County and the elections division of the Secretary of State of the State of Michigan.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk

T: Council Elections Oct 2016

8-15-16
Set PA
for
10-10-16

④

**SUMMARY REPORT TO CITY MANAGER
for City Council meeting of August 15, 2016**

SUBJECT: A report on changing City Council elections from odd year to even year.

INITIATED BY: Selina Tisdale, Director of Community Affairs

RESOLUTION SUMMARY: This resolution sets a public hearing for October 10, 2016 for the purpose of receiving public comment on changing City Council elections from November odd year to November even year and to consider a resolution to potentially approve the change.

ITEMS ATTACHED:

1. Letter of transmittal
2. Resolution

CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolution



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax

August 9, 2016

Mr. Jon Lynch
City Manager

Dear Mr. Lynch,

At this year's City Council planning retreat, held on January 16, I presented information on two election-related topics. The first was consideration of an option to extend City Council terms from two years to four years and to also stagger those terms. This process would require a change in the City Charter through a ballot proposal. City Council did not express strong support for moving forward with further consideration of this topic.

The second topic was that of the feasibility of moving City Council elections from odd-year to even-year elections. At the time of the planning retreat, City Council indicated an interest in pursuing this concept and a desire to revisit the topic later in the year.

This report will provide additional information on moving City Council elections from the odd year to the even year.

As was presented in January, the City of Midland Charter Sec. 10.4 currently requires that: *"... a nonpartisan regular city election shall be held on the Tuesday following the first Monday in November in each even year."* In 1973 State Election Law superseded our local city charter and moved local elections to the odd year. In 2012, however, in a package of election-related bills designed to help streamline election dates, the State of Michigan passed PA532 of 2012 to authorize, but not require, cities that hold odd-year elections to move to the November general election date (even-year election) and provided a mechanism for making the change.

Election Costs

The city incurs the entire cost of an election when the City Council election is the only item on the ballot. This cost is typically around \$20,000 and includes the expenses associated with purchasing ballots, tabulator programming costs and paying our city election workers. This number does not include the costs of bulk-purchased supplies like voter envelopes and forms that are used in the election. This cost also does not include staff time from employees of the city clerk's office.

When it comes to who pays for an election, typically the cost of the election programming is shared among the voting jurisdictions participating in the election. In some cases, like Presidential Elections, there are some reimbursable costs. Moving the council elections to even years will not necessarily eliminate all costs but will, however, eliminate city election expenses for November elections in the odd year when the City Council election is the only item on the ballot.

City Council Elections, Ballot History

Historically, the City Council elections have been the only items to occupy the odd-year November ballot. Since 1999, there have only been two times that another item appeared on the odd-year November ballot. The voter turnout is typically less than 7% when the City Council election is the only ballot item; higher if paired with another ballot item. In comparison, the even-year elections typically include either a gubernatorial or presidential race and elicits more in the range of a 60% voter turnout. See table below.

Process for Change

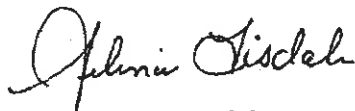
State Election Law allows a local municipality to change to even-year elections by holding a public hearing and passing a council resolution that would provide for a one-time extension of the seated council terms by one year in order to synch with the new election cycle and move to an even year election cycle.

If Midland City Council were interested in pursuing this idea, staff recommends that a public input process be undertaken that would include:

- **August-October** – present the concept to the public and gather public input on the idea through news media, social media, E-CityHall;
- **October** – hold a formal public hearing and consider a resolution to extend current council terms by one year and move the next City Council election to November 2018.

This would put us in a position to begin accepting City Council nominations in early 2018 in preparation for the November 2018 City Council election.

Sincerely,



Selina Crosby Tisdale
City of Midland
Community Affairs Director

<u>Ballot History of November Odd Year (City Council) Elections:</u>		<u>Voter Turnout</u>
2015, one contested race		5%
2013, one contested race		4%
2011, no contested races + MPS Board election		9%
2009, one contested race		3%
2007, two contested races + Midland County proposal		16%
2005, no contested race (write-in candidate W3)		7%
2003, three contested races		12%
2001, two contested races		7%
1999, one contested race		3%
<u>Ballot History of November Even Year Ballots</u>		<u>Voter Turnout</u>
2014	Gubernatorial Election, two State proposals, three local proposals	46%
2012	Presidential Election, six State proposals, two local proposals	67%
2010	Gubernatorial Election, two State proposals, one local proposal	47%
2008	Presidential Election, two State proposals, two local proposals	72%
2006	Gubernatorial Election, five State proposals, three local proposals	60%
2004	Presidential Election, two State proposals, two local proposals	77%
2002	Gubernatorial Election, four State proposals, one local proposal	57%
2000	Presidential Election, two State proposals, two local proposals	65%



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax

BY COUNCILMAN

WHEREAS, Midland City Council has received a report on the option of changing City Council elections from November in the odd years to November in the even years; and

WHEREAS, further public input on this decision is desired; now therefore

RESOLVED, that a public hearing will be scheduled for October 10, 2016 to receive public comment on changing City Council elections from November odd year to November even year and to consider a resolution to potentially approve the change.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, August 15, 2016.

Selina Tisdale, City Clerk

T: Council Elections

Backup material for agenda item:

4. Conditional Use Permit No. 57 - to consider a request for review and approval of a drive-thru lane servicing the Live Oak Coffeehouse in a Regional Commercial zoning district located at 711 Ashman Street (also see material sent in the September 12 agenda packet). KAYE

**SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of 10-10-16**

SUBJECT: Conditional Use Permit No. 57 – Live Oak Coffeehouse.

PETITIONER: Aaron Deckrow.

PLANNING COMMISSION PUBLIC HEARING: August 23, 2016

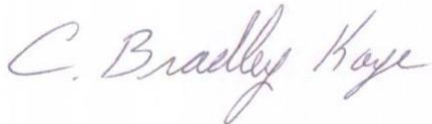
SUMMARY: APPROVE A REQUEST OF AARON DECKROW FOR REVIEW AND APPROVAL OF A CONDITIONAL LAND USE FOR A DRIVE-THRU LANE SERVICING THE LIVE OAK COFFEEHOUSE IN A REGIONAL COMMERCIAL ZONING DISTRICT LOCATED AT 711 ASHMAN STREET.

ITEMS ATTACHED AND PREVIOUSLY TRANSMITTED:

1. Letter to City Manager.
2. Resolution for Council action.
3. Staff Report to the Planning Commission dated August 17, 2016. (See packet from September 12, 2016.)
4. Planning Commission minutes of August 23, 2016. (public hearing) (See packet from September 12, 2016.)
5. Communication. (See packet from September 12, 2016.)
6. Map showing location of property.
7. Site Plan. (See packet from September 12, 2016.)

CITY COUNCIL ACTION:

1. Public hearing is required. Date: October 10, 2016.
2. 3/5 vote required to approve resolution.



C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

CBK/djm

10-5-16

City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

October 5, 2016

Jon Lynch, City Manager
City Hall - 333 West Ellsworth Street
Midland, Michigan

Dear Mr. Lynch:

At its meeting on Tuesday, August 23, 2016 the Planning Commission considered Conditional Use Permit No. 57, the request of Aaron Deckrow for review and approval of a conditional use permit for a drive-thru lane servicing the Live Oak Coffeehouse in a Regional Commercial zoning district located at 711 Ashman Street.

Conditional Use Permit petitions are subject to both non-discretionary (site plan) and discretionary standards. Discretionary standards are found in Section 28.03B of the City's zoning ordinance and are to be determined by the City Council during deliberation on the petition. They include: protection of public health, safety and general welfare, compatibility with surrounding land uses, detrimental effects, impact of traffic, adequacy of public services, protection of site characteristics, compatibility with natural environment, compatibility with the Master Plan and intent of Zoning Ordinance and public comments.

After deliberation on the petition, the Planning Commission took the following action:

It was moved and seconded that the Planning Commission recommend to City Council approval of Conditional Use Permit No. 57 subject to the following contingency:

1. Approval is granted to the proposed drive-thru restaurant in compliance with the accompanying site plan. Any additional uses of the property shall be reviewed and approved in accordance with the standards of the City of Midland Zoning Ordinance, including the requirements for site plan approval under Article 27.

Vote on the motion:

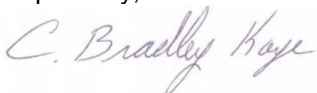
YEAS: Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin and Stamas
NAYS: None
ABSENT: Pnacek and Tanzini

Motion was approved 7 to 0.

One comment expressing no objection to the proposal was received in advance of the Planning Commission meeting. No additional public comments were received at the public hearing. An additional comment in advance of the City Council meeting was received from the same individual expressing no objection.

On September 12, 2016 the City Council set a public hearing for the October 10, 2016 regular meeting at 7:00 p.m. to consider Conditional Land Use Permit No. 57.

Respectfully,



C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, Aaron Deckrow submitted a request for a conditional land use permit for a drive-thru lane servicing the Live Oak Coffeehouse in a Regional Commercial zoning district, located at 711 Ashman Street; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and

WHEREAS, the Planning Commission has submitted its recommendation of approval, contingent upon the following:

1. Approval is granted to the proposed drive-thru restaurant in compliance with the accompanying site plan. Any additional uses of the property shall be reviewed and approved in accordance with the standards of the City of Midland Zoning Ordinance, including the requirements for site plan approval under Article 27.

in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council finds the request for the conditional use permit to be in accord with Section 28.03 of the Zoning Ordinance of the City of Midland, and hereby approves Conditional Use Permit No. 57, in accord with documents provided and submitted at the meeting of September 12, 2016.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeavote of all the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • www.cityofmidlandmi.gov

RECEIVED
SEP 22 2016
PLANNING DEPT

NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT NO. 57

Authorized by the City Council on Monday, September 12, 2016.

WHEREAS, Aaron Deckrow submitted a request for a conditional land use permit for a drive-thru lane servicing the Live Oak Coffeehouse in a Regional Commercial zoning district, located at 711 Ashman Street; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and

WHEREAS, the Planning Commission has submitted its recommendation of approval, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on October 10, 2016, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the request for a conditional use permit; and

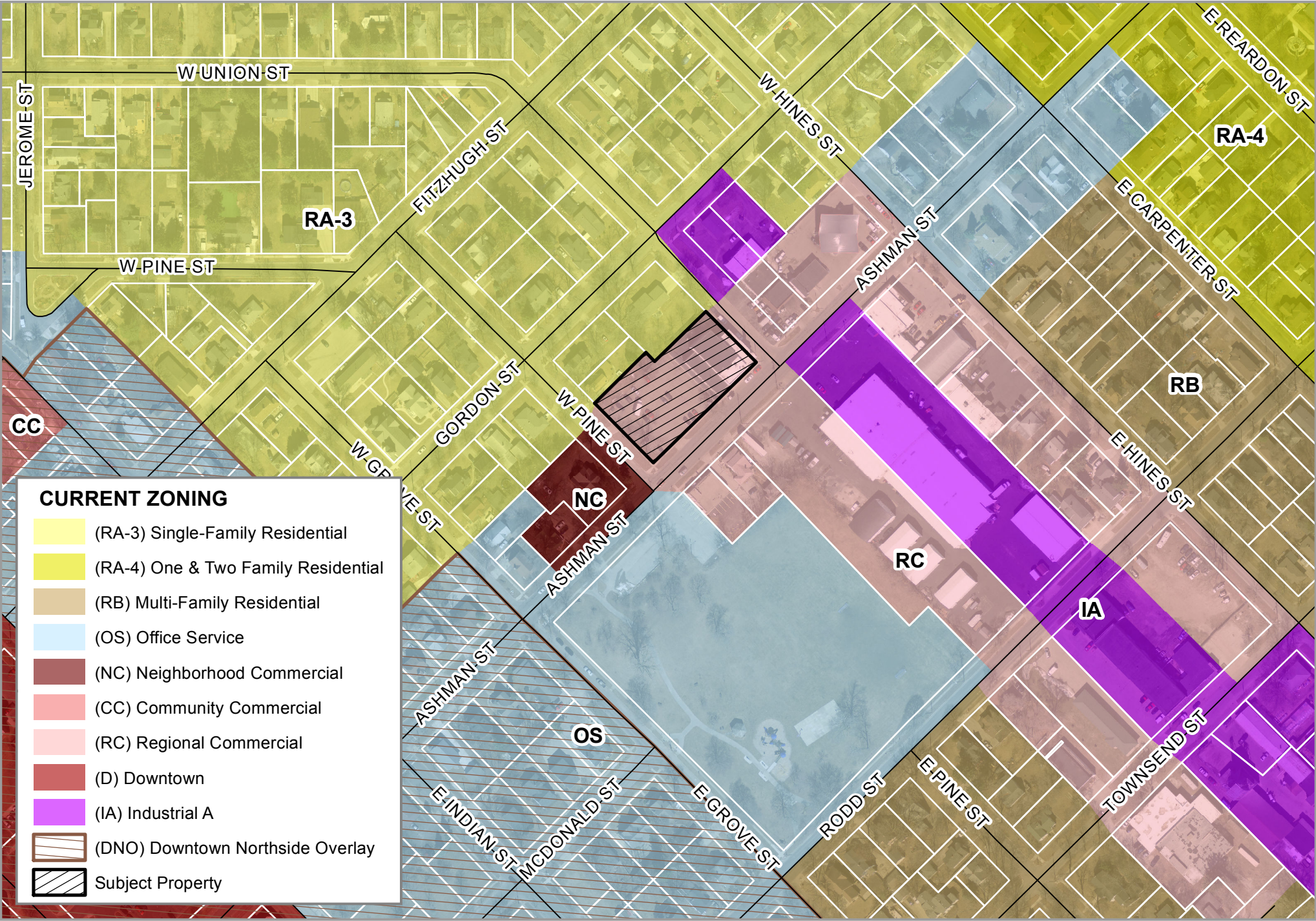
RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the area proposed by transmitting notice on or before September 23, 2016 and to publish said notice on September 24, 2016.

Selina Tisdale
City Clerk
Midland, Michigan

I am in full approval and support of this plan request
Tom

CUP No. 57 - Live Oak Coffehouse Drive-Thru

> 7th Avenue Street | Request of Aaron Deckrow



9-12-16
Set PH for
10-10-16 (23)

**SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of 9-12-16**

SUBJECT: Conditional Use Permit No. 57 – Live Oak Coffeehouse.

PETITIONER: Aaron Deckrow.

PLANNING COMMISSION PUBLIC HEARING: August 23, 2016

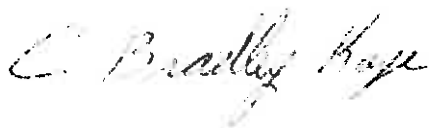
SUMMARY: THIS RESOLUTION WILL SET A PUBLIC HEARING TO CONSIDER A REQUEST OF AARON DECKROW FOR REVIEW AND APPROVAL OF A DRIVE-THRU LANE SERVICING THE LIVE OAK COFFEEHOUSE IN A REGIONAL COMMERCIAL ZONING DISTRICT LOCATED AT 711 ASHMAN STREET.

ITEMS ATTACHED:

1. Letter to City Manager.
2. Resolution for Council action.
3. Staff Report to the Planning Commission dated August 17, 2016.
4. Planning Commission minutes of August 23, 2016. (public hearing)
5. Communication.
6. Map showing location of property.
7. Site Plan.

CITY COUNCIL ACTION:

1. Public hearing is required. Date: October 10, 2016.
2. Advertising date: September 24, 2016.
Public Hearing notification to area residents mail date: September 23, 2016.
3. 3/5 vote required to approve resolution.



C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

CBK/djm

9-7-16



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • www.cityofmidlandmi.gov

September 7, 2016

Jon Lynch, City Manager
City Hall - 333 West Ellsworth Street
Midland, Michigan

Dear Mr. Lynch:

At its meeting on Tuesday, August 23, 2016 the Planning Commission considered Conditional Use Permit No. 57, the request of Aaron Deckrow for review and approval of a conditional use permit for a drive-thru lane servicing the Live Oak Coffeehouse in a Regional Commercial zoning district located at 711 Ashman Street.

Conditional Use Permit petitions are subject to both non-discretionary (site plan) and discretionary standards. Discretionary standards are found in Section 28.03B of the City's zoning ordinance and are to be determined by the City Council during deliberation on the petition. They include: protection of public health, safety and general welfare, compatibility with surrounding land uses, detrimental effects, impact of traffic, adequacy of public services, protection of site characteristics, compatibility with natural environment, compatibility with the Master Plan and intent of Zoning Ordinance and public comments.

After deliberation on the petition, the Planning Commission took the following action:

It was moved and seconded that the Planning Commission recommend to City Council approval of Conditional Use Permit No. 57 subject to the following contingency:

1. Approval is granted to the proposed drive-thru restaurant in compliance with the accompanying site plan. Any additional uses of the property shall be reviewed and approved in accordance with the standards of the City of Midland Zoning Ordinance, including the requirements for site plan approval under Article 27.

Vote on the motion:

YEAS: Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin and Stamas
NAYS: None
ABSENT: Pnacek and Tanzini

Motion was approved 7 to 0.

No public comments were received at the public hearing, nor have any comments been received since.

The City Council is being requested to set a public hearing to consider Conditional Land Use Permit No. 57 for the October 10, 2016 regular meeting at 7:00 p.m.

Respectfully,

C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

CBK/djm

LETTER OF TRANSMITTAL – Conditional Use Permit #57 set PH



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, Aaron Deckrow submitted a request for a conditional land use permit for a drive-thru lane servicing the Live Oak Coffeehouse in a Regional Commercial zoning district, located at 711 Ashman Street; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and

WHEREAS, the Planning Commission has submitted its recommendation of approval, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on October 10, 2016, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the request for a conditional use permit; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the area proposed by transmitting notice on or before September 23, 2016 and to publish said notice on September 24, 2016.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, September 12, 2016.

Selina Tisdale, City Clerk



Report No. CUP #57

Date: August 17, 2016

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Conditional Use Permit #57

APPLICANT: Aaron Deckrow

PROPOSED: Drive-Thru Restaurant

LOCATION: 711 Ashman Street

AREA: 0.71 Acres

ZONING: (RC) Regional Commercial

ADJACENT ZONING: *North & West:* (IA) Industrial & (RA-3) Single-Family Residential
Southwest: (NC) Neighborhood Commercial
South: (OS) Office Service
East: (RC) Regional Commercial & (IA) Industrial

ADJACENT DEVELOPMENT: *North & West:* Single-family residential & commercial businesses
Southwest: Commercial businesses
South & East: Commercial businesses & City park land

BACKGROUND

Conditional Use Permit No. 57, is a request from Aaron Deckrow to permit a drive-thru lane servicing the Live Oak Coffeehouse located at 711 Ashman Street. While the coffeehouse has not been fully developed, it is a permitted use by right within the RC zoning district. The CUP application is necessary to permit the drive-thru lane proposed to service the coffeehouse.

As part of the drive-thru restaurant application, the applicant is proposing to reconfigure the existing off-street parking lot servicing this building which is home to ten total businesses (including the coffeehouse). The reconfiguration will result in a newly delineated drive-thru lane and parking space arrangement. An interior landscaping island will be created to further delineate the drive-thru lane from the rest of the parking lot. The application also includes a small drive-up window addition, dumpster pad and screen, and additional site lighting and landscaping.

CONDITIONAL USE PERMIT EVALUATION

Article 28.00 of the City of Midland Zoning Ordinance requires that the Planning Commission shall review the application for a conditional land use according to the procedures in this

Article, together with the public hearing findings and reports and recommendations from the Planning and Community Development staff, City Engineering Department, Midland County Road Commission, Midland County Health Department, Midland County Drain Commissioner, Fire Department, City of Midland City Police Department and other reviewing agencies. The Planning Commission shall then make a recommendation to the City Council, solely based on the requirements and standards of this Ordinance. The Planning Commission shall submit to the City Council a written recommendation of approval, denial, or approval with conditions within forty-five (45) days of the close of the public hearing required for a conditional land use proposal.

Approval of a conditional land use proposal shall be based on the determination that the proposed use will be consistent with the intent and purposes of this Ordinance, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in Article 27.00, applicable site development standards for specific uses set forth in Article 9.00, and the following standards:

A. Non-Discretionary Standards

1. The conditional land use shall be in accord with the provisions of the Zoning Ordinance of the City of Midland. The specific criterion for each of the ordinance sections is outlined below.
2. Compliance with all of the standards in Section 27.06(A).
 - a. **Adequacy of Information**
The applicant has submitted sufficient detail to illustrate the proposal, including a basic site plan illustrating the proposed location of the drive-thru lane and the various other accompanying improvements.
 - b. **Site Design Characteristics**
The proposal utilizes the existing vehicle driveway connections and the existing parking lot impervious area while making necessary improvements to the parking configuration, site lighting, landscaping, and refuse storage screening.
 - c. **Landscaping**
The proposal includes additional landscaping along W. Pine Street and within the interior parking lot island. These provisions are deemed appropriate for this site that was originally developed prior to the City's current landscaping ordinance standards.
 - d. **Compliance with District Regulations**
The new site improvements meet all district regulations for height and setback.
 - e. **Preservation of Natural Features**
A collection of existing mature trees exist along the streets and within the small grass area on the southwestern portion of the site. These trees are proposed to be fully retained and additional landscaping vegetation will be added.
 - f. **Privacy**
The proposal includes screening of the dumpster in accordance with city standards. The existing fence along the southwest portion of the site will be retained to maintain this privacy provision.

g. Ingress and Egress

The proposed reconfiguration will utilize the existing vehicle driveway connections to the site but will change them to one-way in off W. Pine Street and one-way out onto Ashman Street. The proposal includes directional signage that will inform drivers of these changes. These changes and provisions are deemed appropriate for site circulation and safety by City staff.

h. Pedestrian Circulation

Interior pedestrian circulation measures are provided through proposed pavement markings within the parking area and the existing sidewalks that are located adjacent to the building.

The way the drive-thru lane is designed, pedestrians accessing the businesses on the southwestern portion of the site will need to walk through the queuing spaces behind the drive-up window. Proposed pavement markings are intended to delineate the space where pedestrians will cross the queuing line. This kind of situation is not uncommon at drive-thru restaurants throughout the city, although the proximity for this proposed walk through relative to the pick-up window is unusual. There are, however, many fast-food restaurants where pedestrians walking through the parking lot must cross through vehicles stacked in the drive-thru lane (examples: McDonalds on South Saginaw and Jimmy John's on South Saginaw). In many cases, there are no markings delineating the pedestrian space through the que lines. While not ideal, City staff believes that the proposed pavement markings are appropriate for facilitating pedestrians through the parking lot and the que line to the various business entrances.

The existing building is also located close to the pedestrian sidewalk system along Ashman Street and W. Union Street. This proximity, a staple of this era of building design, is very beneficial to pedestrian access.

i. Vehicular Circulation

Vehicular circulation is proposed to be facilitated through the parking lot by directional signage, landscaping island, and pavement markings. The proposed configuration is compliant with all City dimensional standards and the required number of stacking spaces for the drive-thru lane have been accommodated. The proposed provisions are deemed appropriate by City staff.

j. Parking

Parking calculations have been submitted by the applicant to ensure the parking standards are met for all ten (10) businesses located within the building. Individually, 36 spaces are required for the businesses; however, City parking ordinance standards allows collective parking on the site to be reduced by up to twenty percent (20%). The 34 parking spaces proposed falls within the permitted reduction amount.

k. Drainage

No drainage concerns have been identified in the review of this application. The proposal reduces the amount of impervious area on a site that was originally developed prior to the City's stormwater management ordinance was adopted.

l. Soil Erosion & Sedimentation Control

No soil erosion or sedimentation control measures are necessary with this proposal.

m. Exterior Lighting

The proposal includes a new light pole within the interior of the parking lot. This light fixture will provide additional lighting to the parking lot area for better safety for pedestrians and vehicle drivers while being designed to not trespass onto neighboring properties. The proposed lighting is compliant with the City's exterior lighting standards.

n. Public Services

Adequate public utilities exist currently to service the site. No new utilities are needed or required. Refuse collection is done privately.

o. Screening

Appropriate screening provisions are included for the dumpster and through the existing fence located on the western property line.

p. Sequence of development

The development is intended to be completed in one phase.

q. Coordination with adjacent sites

The application impacts only the subject property. Coordination with adjacent sites is not needed.

r. Signs

No new signs are proposed that are regulated by the City's ordinance standards for height and size. The proposed directional signs are appropriately placed and scaled.

3. Access to the proposed development shall be in accordance with applicable city ordinances.

The site will be accessed from two public roads and will comply with city standards for driveway design.

4. Adequate provision is made for fire protection within the site in accordance with Chapter 8 of the Code of Ordinances of the City of Midland.

The existing driveways and proposed reconfiguration of the parking will provide adequate fire protection.

B. Discretionary Standards *(To be determined by the Planning Commission during deliberation on the request)*

1. Protection of the Public Health, Safety, and General Welfare

The establishment or maintenance of the conditional use shall not be detrimental to the public health, safety, or general welfare.

2. Compatibility With Surrounding Uses

The conditional use shall be located, designed, maintained and operated to be compatible with the existing or intended character of that zoning district and adjacent districts. In determining whether this requirement has been met, consideration shall be given by the Planning Commission to the following issues:

- a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- c. The hours of operation of the proposed use. Approval of a conditional land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses. Any proposed building shall be compatible with the predominant type of building in the particular district in terms of size, character, location or proposed use.
- e. Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a conditional land use.
- f. Hours of operation shall be compatible with the surrounding neighborhood.

3. Detrimental Effects

The proposed conditional land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

4. Impact of Traffic

The location of the proposed conditional land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, the Planning Commission shall give consideration to the following:

- a. Proximity and access to major thoroughfares and other public streets.
- b. Estimated traffic generated by the proposed use.
- c. Proximity and relation to intersections.
- d. Adequacy of driver sight distances.
- e. Location of and access to off-street parking.
- f. Required vehicular turning movements.
- g. Provisions for pedestrian traffic.

5. Adequacy of Public Services

The proposed conditional land use shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, police and fire

protection, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the conditional land use is established.

6. Protection of Site Characteristics

The conditional use shall preserve and incorporate the site's important architectural, natural and scenic features into the development design.

7. Compatibility with Natural Environment

The proposed conditional land use shall be compatible with the natural environment and conserve natural resources and energy, and cause minimal adverse environmental effects.

8. Compatibility with the Master Plan and Intent of Zoning Ordinance

The proposed conditional land use shall be consistent with the general principles and objectives of the City's Master Plan and shall promote the intent and purpose of this Ordinance and of the use district.

9. Public Comments

One letter indicating no objection to the proposal has been received by staff as of August 17, 2016.

STAFF RECOMMENDATION

The RC District is intended to provide for commercial development that offers a diversity of retail, service, entertainment, office, finance and related business uses to serve the needs of residents of the City and Region. The RC District is also intended to be the City's most intensive, vehicular-oriented commercial district.

The proposed use subject to this review is a drive-thru restaurant that will be created by way of a drive-thru lane addition. This use is consistent with the intent of the RC zoning district and will be compatible with a number of vehicle-oriented businesses in the immediate area.

Upon careful review of the requested conditional land use permit, staff is supportive of the proposed land use and the issuance of a conditional use permit for that use. All new drive-thru restaurants are conditional uses within the various commercial zoning districts of the city. Under conditional use review, this intensive vehicle-use is analyzed under additional, more restrictive standards than simply the non-discretionary standards that are part of the site plan review process. Staff believes that this proposal adequately addresses both the non-discretionary and the discretionary standards that are part of the conditional use review procedure.

If granted, staff recommends approval of the request for the following reasons and with added contingencies:

1. Conditional use permits require the evaluation of the objective criteria in this report. This development meets all of the objective criteria.
2. Conditional use permits also allow an evaluation of the subjective criteria listed in this report. This development meets all of the subjective criteria.

3. The proposed use as planned meets the intent and purpose of the Zoning Ordinance and the intent of the Regional Commercial District to serve as the most intensive and vehicular-oriented commercial district.
4. The proposed use would not be generally detrimental to the general welfare of the adjacent parcels and neighborhood.

Contingencies:

1. Approval is granted to the proposed drive-thru restaurant in compliance with the accompanying site plan. Any additional uses of the property shall be reviewed and approved in accordance with the standards of the City of Midland Zoning Ordinance, including the requirements for site plan approval under Article 27.

PLANNING COMMISSION ACTION

As a conditional land use petition, the Planning Commission may recommend contingencies and place conditions upon its action that it deems appropriate to address or mitigate any perceived impact of the proposed use on the site or adjoining parcels.

Staff currently anticipates that the Planning Commission will hold a public hearing on this plan at their August 23, 2016 meeting. If the Planning Commission is satisfied that all required information is available and no additional concerns are identified through the public hearing process, a recommendation to the City Council may then be formulated. If a recommendation is made following the public hearing on August 23, 2016, on September 12, 2016 the City Council will set a public hearing on this matter. Provided both actions take place, and given statutory notification and publication requirements, the City Council hearing will be scheduled for October 10, 2016. Please note that these dates are preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,



C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

/grm

**MINUTES OF THE MEETING OF THE
MIDLAND CITY PLANNING COMMISSION
WHICH TOOK PLACE ON
TUESDAY, AUGUST 23, 2016, 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Chairman McLaughlin
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.

3. Roll Call

PRESENT: Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, and Stamas

ABSENT: Pnacek and Tanzini

OTHERS PRESENT: Brad Kaye, Assistant City Manager for Development Services; Grant Murschel, Community Development Planner; and two (2) others.

4. Approval of Minutes

Moved by Hanna and seconded by Mayville to approve of the minutes of the regular meeting of July 26, 2016. Motion passed unanimously.

5. Public Hearing

- a. **Conditional Use Permit No. 57** – initiated by Aaron Deckrow to permit a drive-thru window lane for a coffeehouse on property located at 711 Ashman Street.

Murschel gave the staff presentation. He explained that the proposal is a retrofitted drive-thru onto an existing developed site. The proposed plan is compliant with the objective criteria established within the site plan standards and the standards of the RC zoning district. He explained the reasoning for the required directional signage and for the pavement markings to facilitate pedestrians through the site.

Bain wondered if the Commission had the ability to require limited hours of operation so that the drive-thru was not operating late at night. Murschel indicated that the Commission can place conditions of approval such as that if they so choose. Heying wondered about a directional change to the curb-cut on Ashman Street to better direct existing vehicles. Murschel indicated that the City Engineering Department had reviewed the plan and did not think it was necessary for the dimensions of the driveway to change and that directional signage will be adequate.

Aaron Deckrow, property owner of 711 Ashman Street, spoke as the applicant. He indicated that the business is intending to have hours of operation from 6:00 a.m. to 9:00 p.m. He also spoke about the work his team did with City staff to arrive at this proposal. The curb cut onto Ashman Street is primarily used as an exit currently so in practice it will not change much. He has spoken with the tenants in the abutting houses, which he owns, and they are in support of having a coffeehouse be located near them.

No one spoke in support or opposition of the proposal. The public hearing was closed.

A motion was made by Heying to waive the procedural requirements to permit consideration of the proposed application. The motion was seconded by Hanna. The motion was approved unanimously.

Stamas indicated that he believes it would be arbitrary to require the drive-thru to have limited hours given the other businesses in the area that do not have limited hours currently. Heying agreed and further stated that he feels comfortable with the proposal as the owner appears to have worked with the tenants in the building and in the abutting residences to make it work.

It was moved by Heying and supported by Hanna to recommend approval of Conditional Use Permit No. 57 initiated by Aaron Deckrow to permit a drive-thru window lane for a coffeehouse on property located at 711 Ashman Street contingent on:

1. Approval is granted to the proposed drive-thru restaurant in compliance with the accompanying site plan. Any additional uses of the property shall be reviewed and approved in accordance with the standards of the City of Midland Zoning Ordinance, including the requirements for site plan approval under Article 27.

YEAS: Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, and Stamas
 NAYS: None
 ABSENT: Pnacek and Tanzini

Hanna provided some history on the subject property much to the enjoyment of the property owners.

6. Old Business

None

7. Public Comments (unrelated to items on the agenda)

None

8. New Business

a. 2017 Meeting Schedule

Kaye indicated that this schedule follows consistently with the required second and fourth Tuesday's of each month, with the exception being the standard one meeting in the month of December.

It was moved by Heying and seconded by Hanna to approve the proposed 2017 Meeting Schedule. The motion was approved unanimously.

9. Communications

Michigan Planner and Planning & Zoning News magazines were distributed to the Commissioners.

10. Report of the Chairperson

None

11. Report of the Planning Director

Kaye advised that staff continue to work on securing a presentation for the Planning Commission on access management approaches. Staff are also trying to coordinate a work session in September for the purpose of discussing procedural and administrative documentation.

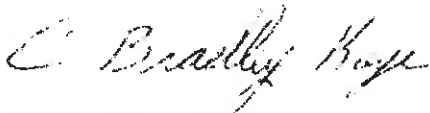
12. Items for Next Agenda – September 13, 2016

- a. Site Plan No. 353 initiated by Wahlack, LLC for site plan review and approval for the construction of Larkin Village, a development which contains 28 two family dwellings, located at 204 Commerce Drive.

13. Adjourn

It was motioned by Hanna seconded by Mayville to adjourn at 7:37 p.m. Motion passed unanimously.

Respectfully submitted,



C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

RECEIVED
AUG 16 2016
PLANNING DEPT

PUBLIC HEARING NOTICE
City of Midland
CONDITIONAL USE PERMIT NO. 57

In accord with Section 28.02 of the Zoning Ordinance of the City of Midland, please take notice that a public hearing will be held by the City Planning Commission on Tuesday, August 23, 2016, which begins at 7:00 p.m. in the Council Chambers, City Hall. The following request will be considered:

The request of Aaron Deckrow to permit a drive-thru window lane for a coffeehouse on property located at 711 Ashman Street.

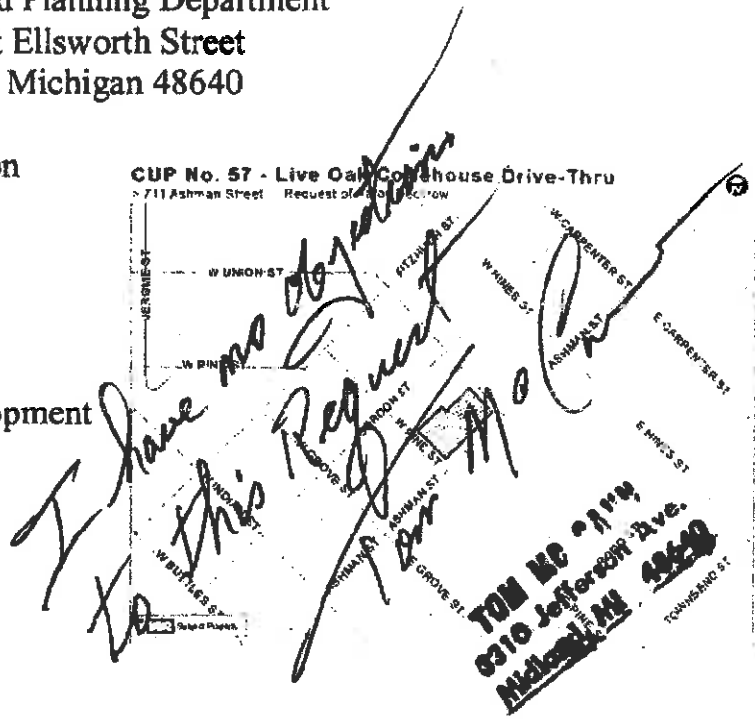
Additional information may be obtained by contacting the City of Midland Planning Department at (989) 837-3374 during the City's regular hours of 8:00 am to 5:00 pm Monday through Friday. Written comments regarding the application may be submitted in writing by August 22, 2016 at:

City of Midland Planning Department
333 West Ellsworth Street
Midland, Michigan 48640

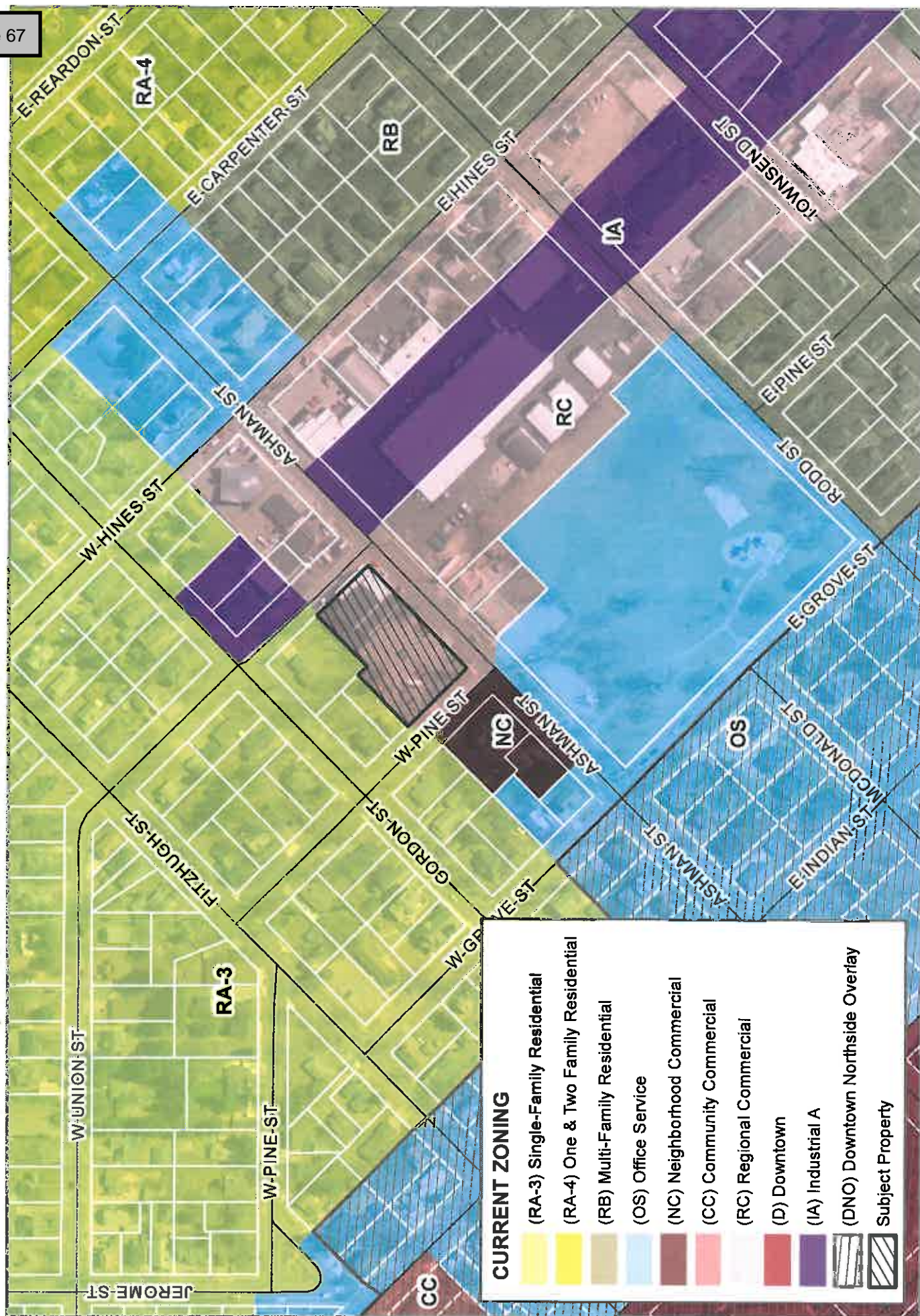
Midland City Planning Commission

C. Bradley Kaye
C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development
Services

TOM MC CANN
6310 Jefferson Ave.
Midland, MI 48640



> 711 Ashman Street | Request of Aaron Deckrow



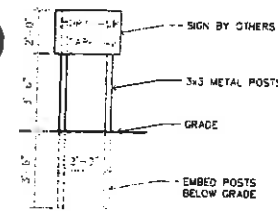
Live Oak Coffeehouse Drive-Thru

713 Ashman Street
Midland, MICHIGAN 48640

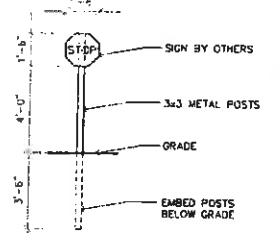
RECEIVED PROJECT# 201618



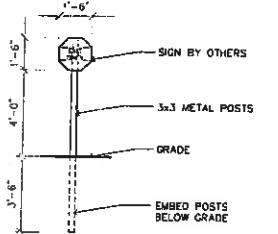
LOCATION MAP



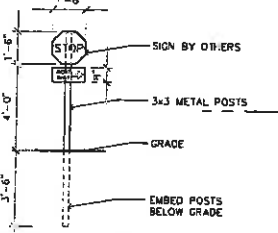
SIGN 1 DETAIL



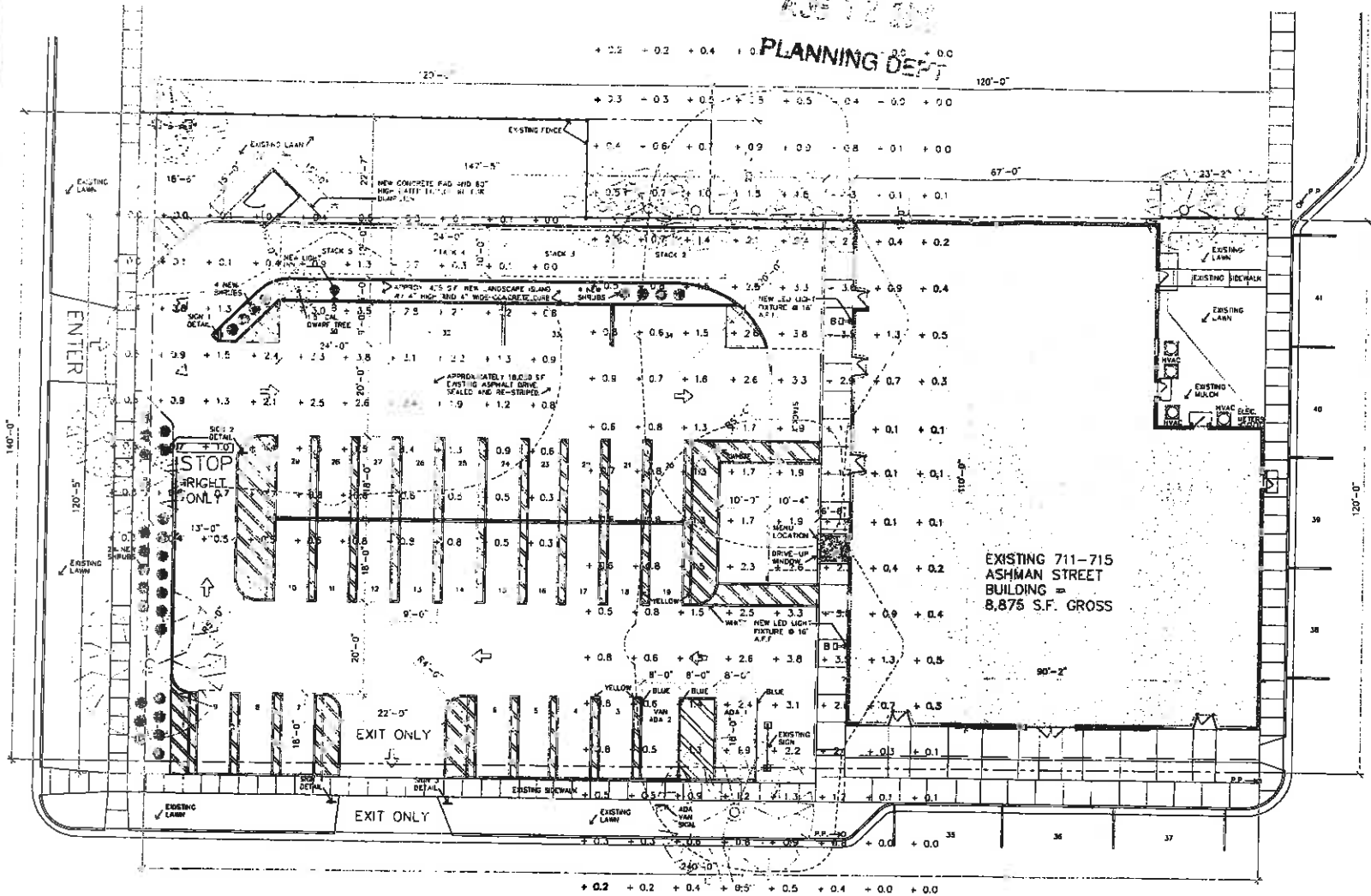
SIGN 2 DETAIL



SIGN 3 DETAIL



SIGN 4 DETAIL



ASHMAN STREET CENTERLINE

SITE PLAN

LUMINAIRE SCHEDULE									
SYMBOL	LABEL	QUANTITY	CATALOG NUMBER	DESCRIPTION	LAMP	LUMENS	L.F.F.	WATTS	FILE
D-8	B	3	DSXO LED 40C 1000 50K T4M MVOLT HS	DSXO LED WITH (2) 20 LED LIGHT ENGINE TYPE T4M OPTIC, 5000K, @ 1000MA WITH HOUSE SIDE SHIELD	LED	ABSOLUTE	0.90	138	DSXO LED 40C 1000 50K T4M MVOLT HS, lsc

NOTE 1) MOUNT HEIGHT FOR POLE FIXTURE = 16'

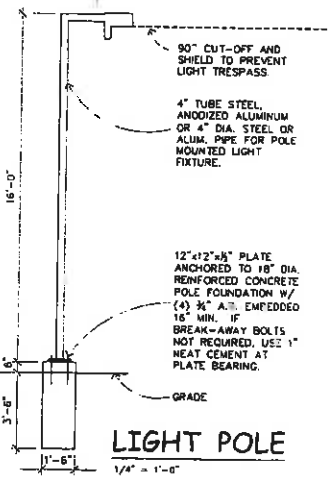
DRAWING ISSUE DATES			
7-25-2016	2016 SITE DESIGN REVIEW		
7-28-2016	2016 SITE PLAN SUBMITTAL		
8-12-2016	2016 SITE RE-SUBMITTAL		

PROJECT DATA:

APPLICABLE BUILDING CODES
MICHIGAN BUILDING CODE 2012 EDITION
BUILDING CLASSIFICATION: COMMERCIAL
ZONING: C-2 REGIONAL COMMERCIAL
USE: DRIVE-THRU COFFEEHOUSE
TOTAL BUILDING AREA: 8,875 S.F. GROSS
BUILDING AREA ALLOWED: 11,500 S.F. GROSS
MAX. LOT COVERAGE: 70%
MAX. LOT AREA: 1.278 AC. PER TABLE 601

GENERAL NOTES:

- THE FOLLOWING NOTES APPLY TO THIS PROJECT ONLY.
- ALL DESCRIPTIONS IN PLANS, WALLS, PARTITIONS, ASSEMBLIES, SEPARATIONS, ENCLOSURES, ETC. ON THE DRAWINGS GENERALLY DESCRIBE THE WALL, PARTITION, ETC. FROM FLOOR TO STRUCTURE ABOVE.
- TO PREVENT GALVANIC CORROSION AND CORROSION OF METALS, DO NOT ALLOW DISCREPANT METALS TO COME IN CONTACT WITH EACH OTHER. DISCREPANT METALS INCLUDE, BUT ARE NOT LIMITED TO: ALUMINUM, STEEL, BRASS, COPPER, INCONEL, TITANIUM, LEAD, BRASS, COPPER, SEPARATE WITH AN APPROPRIATE INSULATING MATERIAL, OR AN ELECTRICALLY NON-CONDUCTIVE MATERIAL SUCH AS PAPER, FELT, OR OTHER INSULATING MATERIAL.
- THE CONTRACT DOCUMENTS DO NOT ATTEMPT TO DEFINE AND ASSURE WORK TO OR DETERMINE MEANS AND METHODS FOR THE OWNER OR HIS AGENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE MEANS AND METHODS FOR THE PROPER EXECUTION AND COMPLETION OF THE WORK, AND FOR OBTAINING ALL NECESSARY PERMITS, APPROVALS, AND INSPECTIONS.
- WALL THICKNESS INDICATED ON PLANS IS NOMINAL, NOT ACTUAL. DIMENSIONS.
- DO NOT SCALE DRAWINGS. DIMENSIONS OR WRITTEN INFORMATION SUPERSEDES DIMENSIONS ON DRAWINGS.
- REFER TO SUPPLEMENTAL SPECIFICATIONS FOR ADDITIONAL INFORMATION REGARDING MATERIALS, METHODS, AND INSTALLATION. DRAWINGS GENERALLY REPRESENT MATERIAL, LOCATION, INSTALLATION, AND PERFORMANCE REQUIREMENTS, AND MAY NOT BE ACCEPTABLE MANUFACTURES.
- THE OWNER SHALL COORDINATE THE PROCESS TO SECURE AND PAY FOR THE BUILDING PERMIT AND OTHER PERMITS AND FEES, LICENSES AND INSPECTIONS NECESSARY FOR PROPER EXECUTION AND COMPLETION OF THE WORK. COPIES OF ALL SAID PERMITS SHALL BE RETAINED BY THE OWNER.
- ANY "NOT TO SCALE" DIMENSIONS AND "OWNER'S" WRITTEN INSTRUCTIONS AND/OR NOTES NOT BEING REFLECTED WITH THIS DRAWING SET ARE STILL VALID. ANY DISCREPANCIES REGARDING THE DRAWING INFORMATION PRESENT SHOULD BE DIRECTED TO THE ARCHITECT FOR CLARIFICATION.



LIGHT POLE

STANDARD ABBREVIATIONS

A.F.F. ABOVE FINISH FLOOR	B.F. BARRIER-FREE	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER
B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER
B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER
B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER
B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER
B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER
B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER
B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER
B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER
B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER	B.T. BARRIER



Backup material for agenda item:

5. Amending the 2016-17 Currie Municipal Golf Course Fund budget to award contract to pave Madison Street. KEENAN
 - a. Amendment to the 2016-17 Currie Municipal Golf Course Fund budget to increase revenues by \$5,000 and capital expenses by \$15,000 for paving Madison Street (also see material sent in the September 19 agenda packet).
 - b. Authorizing a purchase order to Pyramid Paving and Contracting for the paving of Madison Street.

SUMMARY REPORT TO MANAGER
For City Council Meeting of October 10, 2016

SUBJECT: Amending the 2016-17 Currie Municipal Golf Course Fund budget to award contract to pave Madison Street.

INITIATED BY: David A. Keenan, Assistant City Manager

RESOLUTION SUMMARY:

Resolutions:

1. Amends the 2016-17 Currie Municipal Golf Course Fund budget to increase revenues by \$5,000 to recognize the gift from Mary Currie, and increase expenses by \$15,000 to provide budgetary authorization to pave Madison Street.
2. Authorizes the issuance of a purchase order to Pyramid Paving and Contracting in the amount of \$22,967 for the paving of Madison Street, and authorizes the City Manager to approve change orders not to exceed \$1,200 in total.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolutions

CITY COUNCIL ACTION:

3/5 affirmative vote required for adoption

David A. Keenan
Assistant City Manager



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 * 989.837.2717 Fax ♦ www.cityofmidlandmi.gov

TO: Jon Lynch, City Manager

FM: David A. Keenan, Assistant City Manager

DT: October 5, 2016

RE: Amending the 2016-17 Golf Course Fund Budget

In June of 2016 City Council held a public hearing on amending the 2015-16 Golf Course budget to increase both revenue and expenses by \$8,000 to recognize a gift from the Mary C. Currie Foundation to pay for paving a portion of Madison Street.

When the quotes were received, the lowest cost was \$15,107. During the same period we also opened bids for demolishing the building at the old driving range. We had previously received \$20,000 from the Mary C. Currie Foundation to pay for this project and will only spend \$10,000, leaving \$10,000 of the award unspent.

After discussing the situation with staff and Mary Currie, it was decided we could use the remaining \$10,000 grant to help pay for Madison Street. Further we asked the low cost provider to amend the quote to reflect paving all of Madison Street.

Pyramid Paving and Contracting will pave the balance of Madison Street for an additional \$7,860, putting the entire street cost at \$22,967. Mary Currie has given an additional \$5,000 to the Golf Course to provide the balance of the needed funding.

The project funding is summarized below:

Funding accepted, budgeted, and received in 2015-16. No City Council action required.	\$ 8,000
Funding accepted, budgeted, and received in 2014-15. No City Council action required.	10,000
Funding received in 2016-17. City Council to hold public hearing to amend 2016-17 budget.	5,000
Total available funding	\$23,000

The 2016-17 budget will be updated to include the complete cost for paving Madison Street, as summarized below:

Capital budget in 2015/16 will be encumbered into 2016/17. No Council action required.	\$ 8,000
Capital budget in 2014/15 to be spent on demolition of the old driving range building, but now redirected to pay for Madison Street Paving. The change in intent coupled with the crossover of fiscal years requires a budget amendment. Council to hold a public hearing to amend the 2016-17 budget.	10,000
Additional costs to not yet budgeted, requires a budget amendment. Council to hold a public hearing to amend the 2016-17 budget.	5,000
Total project cost	\$23,000

Attached, for City Council's consideration, is a resolution that will amend the 2016-17 Currie Municipal Golf Course budget to increase revenues by \$5,000 and expenditures by \$15,000 for reasons described herewith.

Also attached is a resolution that will authorize the City's Procurement Accountant to issue a purchase order to Pyramid Paving and Contracting in the amount of \$22,967 for the paving of Madison Street, and provide the City Manager with authorization to approve change orders not to exceed \$1,200 in total.



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 * 989.837.2717 Fax ♦ www.cityofmidlandmi.gov*

BY COUNCILMAN

WHEREAS, in accord with Sections 5.11, 11.4, and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, October 10, 2016, on the proposal to amend the 2016-17 Currie Municipal Golf Course Fund budget to increase revenue by \$5,000 to recognize the gift from Mary Currie, and increase expenses by \$15,000 to provide budgetary authorization to pave Madison Street; now therefore

RESOLVED, that the 2016-17 Currie Municipal Golf Course Fund budget shall be amended as discussed in the aforementioned paragraph.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all of the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 * 989.837.2717 Fax ♦ www.cityofmidlandmi.gov*

BY COUNCILMAN

WHEREAS, the City requested quotes for partially paving Madison Street, Quote No. 1831; and

WHEREAS, upon request by the City, the low bidder submitted a modified quote to pave all of Madison Street; and

WHEREAS, sufficient funds are included in the 2016-17 Currie Municipal Golf Course Fund budget; and

WHEREAS, the quote received from Pyramid Paving and Contracting of Bay City has been found to be in compliance with specifications and advisable for execution; now therefore

RESOLVED, that the quote meeting City specifications submitted by Pyramid Paving and Contracting of Bay City for the paving of Madison Street in the response for Quote No. 1831, as modified, is hereby accepted; and

RESOLVED FURTHER, that a purchase order for \$22,967 to Pyramid Paving and Contracting of Bay City in accord with this resolution and City specifications is hereby authorized; and

RESOLVED FURTHER, that the City Manager is authorized to approve change orders relating to the paving project not to exceed \$1,200 in total.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk

9-19-16
a. Accept Gylt
b. Set PH for
10-10-16

⑥

SUMMARY REPORT TO MANAGER
For City Council Meeting of September 19, 2016

SUBJECT: Accepting a gift of \$5,000 from Mary Currie, and setting a public hearing to amend the 2016-17 Currie Municipal Golf Course Fund budget for Madison Street Paving.

INITIATED BY: David A. Keenan, Assistant City Manager

RESOLUTION SUMMARY:

Resolutions

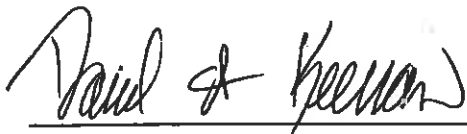
- a. Accept gift of \$5,000 from Mary Currie, and
- b. Set a public hearing for Monday, October 10, 2016, in the Council Chambers of City Hall on the proposal to amend the 2016-17 Currie Municipal Golf Course Fund budget to increase revenues by \$5,000 and capital expenses by \$15,000 for paving Madison Street.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolutions

CITY COUNCIL ACTION:

3/5 affirmative vote required for adoption



David A. Keenan
Assistant City Manager



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 ♦ 989.837.2717 Fax ♦ www.cityofmidlandmi.gov

TO: Jon Lynch, City Manager

FM: David A. Keenan, Assistant City Manager

DT: September 14, 2016

RE: Amending the 2016-17 Golf Course Fund Budget

In June of 2016 City Council heard a public hearing on amending the 2015-16 Golf Course budget to increase both revenue and expenses by \$8,000 to recognize a gift from the Mary C. Currie Foundation to pay for paving a portion of Madison Street.

When the bids were opened, the lowest bid was \$15,107. During the same period we also opened bids for demolishing the building at the old driving range. We had previously received \$20,000 from the Mary C. Currie Foundation to pay for this project. The low bid was awarded at \$10,000, leaving \$10,000 of the award unspent.

After discussing the situation with staff and Mary Currie, it was decided we could use the balance of the \$20,000 grant to help pay for Madison Street. Further we should ask the low bidding contractor to provide a cost to paving Madison Street all the way south to the entrance off Currie Parkway.

Pyramid Paving and Contracting will pave the balance of Madison Street for an additional \$7,860, putting the entire street cost at \$22,967. Mary Currie has pledged to give \$5,000 to the Golf Course to provide the balance of the needed funding.

The project funding is summarized below:

Funding accepted, budgeted, and received in 2015-16. No City Council action required.	\$ 8,000
Funding accepted, budgeted, and received in 2014-15. No City Council action required.	10,000
Funding received in 2016-17. City Council to accept gift, and amend 2016-17 budget.	5,000
Total available funding	\$23,000

How the 2016-17 budget will be fully updated to incorporate all the costs is summarized below:

Capital budget in 2015/16 will be encumbered into 2016/17. No Council action required.	\$ 8,000
Capital budget in 2014/15 to be spent on demolition of the old driving range building, but now redirected to pay for Madison Street Paving. The change in intent coupled with the crossover of fiscal years requires a budget amendment.	10,000
Additional costs to not yet budgeted, requires a budget amendment.	5,000
Total project cost	\$23,000

Two resolutions are provided for City Council's consideration. The first would accept the \$5,000 gift from Mary Currie which will pay the remaining costs for paving all of Madison Street. The second would set October 10, 2016 as the date for holding a public hearing to amend the 2016-17 Currie Municipal Golf Course budget by increasing revenues by \$8,000, and increasing expenditures by \$15,000.

Pending successful completion of the public hearing on October 10, 2016, Staff will request that City Council authorize the issuance of a purchase order to Pyramid Paving and Contracting for \$22,967.



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 ♦ 989.837.2717 Fax ♦ www.midland-mi.org

BY COUNCILMAN

WHEREAS, Mary Currie has pledged the Currie Municipal Golf Course a gift in the amount of \$5,000 to put towards the paving of Madison Street; now therefore

RESOLVED, that the City Council of the City of Midland graciously accepts this gift of \$5,000 from Mary Currie.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all of the Councilmen present at a regular meeting of the City Council held Monday, September 19, 2016.

Selina Tisdale, City Clerk



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 ♦ 989.837.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, the City wishes to pave all of Madison Street at a cost of \$23,000, but has previously budgeted only \$8,000 for this project; and

WHEREAS, the City has \$18,000 of prior-year revenue which can be appropriated towards this project and Mary Currie has pledged to give the City \$5,000 to pay for the remainder of this project; and

WHEREAS, it is necessary to amend the 2016-17 Currie Municipal Golf Course Fund budget to increase revenues by \$5,000 and expenditures by \$15,000 in order to recognize additional revenue new to 2016-17 and to provide sufficient budgetary authority for paving all of Madison Street; now therefore

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m. Monday, October 10, 2016 in the Council Chambers of City Hall on the proposal to amend the 2016-17 Currie Municipal Golf Course Fund budget to increase revenues by \$5,000 and expenses by \$15,000 to recognize the gift from Mary Currie, and provide budgetary authorization to pave all of Madison Street; and

RESOLVED FURTHER, that the City Clerk is hereby directed to give notice as provided in Section 5.11 of the Charter of the City of Midland.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all of the Councilmen present at a regular meeting of the City Council held Monday, September 19, 2016.

Selina Tisdale, City Clerk

Backup material for agenda item:

6. Introduction and first reading of an ordinance adding Section 3-48 of Chapter 3 of Article III of the Midland Code of Ordinances - Animals and Fowl. KAYE

**SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of 10-10-16**

SUBJECT: First Reading of an Ordinance to Add a New Section to Chapter 3 Animals, Article III Farm Animals, of the Code of Ordinances.

PETITIONER: The Dow Chemical Company

SUMMARY: THIS ACTION GIVES FIRST READING OF AN ORDINANCE TO ADD SECTION 3-48 OF ARTICLE III FARM ANIMALS CHAPTER 3 ANIMALS AND FOWL TO THE CODE OF ORDINANCES FOR THE CITY OF MIDLAND

ITEMS ATTACHED:

1. Letter to City Manager
2. Petition from The Dow Chemical Company
3. Ordinance

CITY COUNCIL ACTION:

1. 3/5 vote required to give first reading to the ordinance.



C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

CBK/djm

10-5-16



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

October 5, 2016

Jon Lynch, City Manager
City Hall - 333 West Ellsworth Street
Midland, Michigan

Dear Mr. Lynch:

Historic activities at the Dow Chemical facility in Midland, long since discontinued, resulted in the deposition of dioxin into the surface soils of the city. As a result of those deposits, the Michigan Department of Environmental Quality (MDEQ) worked closely with Dow Chemical to develop an Institutional Control Plan for affected properties within the city. The most recognizable activity arising from that plan is the testing and remediation of properties lying generally north and northwest of the Dow Chemical plant. While most of the testing and remediation activities have been completed, Dow Chemical continues to pursue testing and, if necessary, remediation of properties that they have not yet been granted access by the property owners.

Also noted to be of concern by the MDEQ was the exposure of farm animals to any soils potentially containing dioxin. In particular, the concern as expressed to city staff is that the repeated exposure of farm animals to even low levels of dioxin, while not hazardous via direct contact, may become hazardous when repeatedly ingested. Animals used to provide food (pigs, chickens, etc) may therefore pose a potential risk to public health for any persons consuming such food.

Identification of the above concern caused MDEQ, Dow Chemical and city staff to review the existing codes and ordinances of the City of Midland. That review focused primarily on Chapter 3 Animals and Fowl, Article III Farm Animals, of the Code of Ordinances, and the City of Midland Zoning Ordinance. Arising from the review, the most relevant ordinance standards identified were as follows:

Code of Ordinances, Sec. 3-40 Animals – Keeping, harboring, breeding

It shall be unlawful to keep, harbor or breed any farm animal as defined in the City of Midland Zoning Ordinance, being Ordinance No. 1585, except (1) farm animals kept in that portion of the city zoned for agricultural purposes, or (2) animals used in a parade or for providing rides on a temporary basis for which a permit has been issued, or (3) animals kept as part of a show or event at the Midland County Fairgrounds, or (4) miniature pigs subject to the provisions of Division 2 of this article.

City of Midland Zoning Ordinance, Section 2.02 Definitions, Farm Animal

Any animal customarily found in farming operations such as but not limited to all breeds of horses, cows, goats, pheasants, chickens, ducks, geese, sheep, swine (per City ordinance #1711, Chapter 3 of the Code of Ordinances) or any other type of poultry or fowl or bees. A farm animal shall also include all animals classified as livestock by the State of Michigan. A farm animal shall not include fish.

Based on the above, most properties within the City of Midland are prohibited from keeping, harboring or breeding farm animals on them. Those properties zoned agricultural are limited in number and are generally located at or near the city limits and lie to the west, east and northeast. A small collection of smaller parcels zoned agriculture are located to the southeast, in the general vicinity of the Midland Civic Arena. Parcel configuration and location, together with the Generally Accepted Agricultural Management Practices (GAAMPs) that must be adhered to make use of these parcels for the raising of farm animals unlikely.

Presented with the above information, MDEQ and Dow Chemical have agreed that the existing ordinance standards of the City adequately address the concerns raised by MDEQ. Concern remains, however, that neither MDEQ nor Dow Chemical can assure the continued existence of the current ordinance standards. This is a role that only the City of Midland City Council can carry.

Recognizing the above, and further recognizing that the current City Council is not legally able to bind the actions of any future City Council, assurances were sought by MDEQ that the current ordinance language would not be changed without consultation and/or notice being provided by the City. To that end, draft language to be considered for inclusion in the Code of Ordinances was developed. That language, submitted in the form of a petition by Dow Chemical, is proposed to read as follows:

Sec. 3-48 Notice to Michigan Department of Environmental Quality

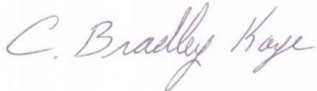
The Michigan Department of Environmental Quality relies on this article to help address potential risks to public health that could be associated with historic dioxin contamination found in surface soil. The Council shall notify the Michigan Department of Environmental Quality at least thirty days prior to the amendment or lapsing of this article or any portion thereof.

Recognizing that any ordinance of the City can be amended by City Council, staff review of the proposed amendment concludes that it mandates notification of any proposed change to MDEQ but in no manner restricts (or attempts to restricts) the actions that may legally be taken by a future City Council. As such, the mechanisms of the proposed ordinance amendment are considered appropriate.

With respect to content, the amendment requires notice only to MDEQ. Given the nature of the concerns relative to public health, such notice and consultation with MDEQ would be undertaken by city staff regardless of whether or not this provision existed in the Code of Ordinances. It therefore poses no additional undue burden on the City or city staff. It does, however, provide for a cooperative advancement of the Institutional Control Plan and continued resolution of the dioxin remediation activities required of Dow Chemical by the MDEQ. Approval of the petition is therefore recommended by staff.

Procedurally, approval of the petition is a two-step process before City Council. Introduction and first reading of the proposed ordinance may take place at the October 10, 2016 City Council meeting. Second reading may then take place at the October 24, 2016 City Council meeting. The ordinance would take immediate effect upon second reading.

Respectfully,



C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

CBK/djm

LETTER OF TRANSMITTAL – Farm Animals Code Amendment



The Dow Chemical Company
Midland, Michigan 48674
USA

August 30, 2016

Mr. C. Bradley Kaye
Assist. City Manager for Development Services
City of Midland
333 West Ellsworth Street
Midland, Michigan 48640

Re: **Petition to Amend City of Midland Ordinance**

Dear Mr. Kaye:

The purpose of this letter is to propose the attached ordinance amendment for consideration and enactment by the City of Midland. The amendment supplements the City's currently existing ordinance that prohibits raising farm animals on non-agriculturally zoned property in the City.

The Dow Chemical Company (Dow) has been working with the Michigan Department of Environmental Quality (MDEQ) to implement remedial activities to address historic dioxin contamination in the City. Dow is in the final stages of the remediation. Through the remediation process, Dow has been able to cleanup or otherwise address hundreds of properties in the City. However, some follow-up measures are still appropriate. These follow-up measures are described in a Remedial Action Plan approved by the MDEQ on July 21, 2016. The MDEQ approved the RAP after a period of public comment and two public open houses. No significant public comments were submitted on either Plan. The RAP is legally enforceable by MDEQ as part of Dow's Hazardous Waste Facility Operating License.

One measure described and relied on by Dow's RAP is the fact that the City prohibits raising farm animals on land that is not zoned Agricultural. Dow's RAP relies on this prohibition as a MDEQ-approved "institutional control." An institutional control is a legal restriction that provides notice of or otherwise limits or prohibits activities that could interfere with a remedial action or that could result in exposure to hazardous substances.

The MDEQ considers raising poultry and other livestock within the City as a potential route of exposure. Chickens, in particular, scratch at the ground and use soil in their digestive process, and, as a result, soil contaminants could be digested and absorbed into their meat and eggs. The City's livestock ordinance helps prevent this potential route of exposure, and, therefore, MDEQ and Dow desire that the ordinance remain in place within the City.

Whenever a local ordinance will serve as an institutional control, Michigan law requires that the ordinance

include a requirement that the local unit of government notify the [MDEQ] at least 30 days prior to adopting a modification to the ordinance or prior to the lapsing or revocation of the ordinance.

MCLA 324.20121(8). The attached proposed amendment serves this purpose and would fulfill this legal obligation. If approved, the amendment adds a new provision declaring that the MDEQ relies on the ordinance to help address historic dioxin contamination in soil, and requiring that the MDEQ be notified if the ordinance is amended or lapses.

The proposed amendment was previously provided to City staff and legal counsel and changes were made based on the City's comments. Dow also made a presentation to the City on January 16 that discussed the RAP and the proposed amendment. In a letter to the MDEQ from Mr. Jon Lynch dated April 13, 2016, Mr. Lynch noted general agreement between Dow and the City, and that City staff did not intend to oppose the amendment.

Dow thanks the City for consideration of this proposed amendment and the City's continued cooperation with Dow to facilitate the activities required by the RAP to the benefit of the City and the City's residents. Please do not hesitate to call with any questions. Also, please let us know when the proposed amendment will be on the City Council agenda for discussion or consideration.

Sincerely,



Steve Lucas
Assoc. EHS Remediation Director
The Dow Chemical Company
989.638.6012

C: Michigan DEQ

PROPOSED AMENDMENT
to
Add New Section to City of Midland Code of Ordinances

CHAPTER 3
ANIMALS AND FOWL
ARTICLE III
FARM ANIMALS

Sec. 3-48. Notice to Michigan Department of Environmental Quality.

The Michigan Department of Environmental Quality relies on this article to help address potential risks to public health that could be associated with historic dioxin contamination found in surface soil. The Council shall notify the Michigan Department of Environmental Quality at least thirty days prior to the amendment or lapsing of this article or any portion thereof.

FIRST READING

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY ADDING SECTION 3-48 OF ARTICLE III OF CHAPTER 3 THEREOF

The City of Midland Ordains:

Section 1. Section 3-48 of Article III of Chapter 3 is hereby added to read as follows:

SEC. 3-48. NOTICE TO MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY.

THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY RELIES ON THIS ARTICLE TO HELP ADDRESS POTENTIAL RISKS TO PUBLIC HEALTH THAT COULD BE ASSOCIATED WITH HISTORIC DIOXIN CONTAMINATION FOUND IN SURFACE SOIL. THE COUNCIL SHALL NOTIFY THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY AT LEAST THIRTY DAYS PRIOR TO AMENDMENT OR LAPSING OF THIS ARTICLE OR ANY PORTION THEREOF.

Section 2. This Ordinance shall take effect upon publication.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday,

Selina Tisdale, City Clerk

Backup material for agenda item:

7. * Site Plan No. 353 - Larkin Village - a petition from Wahlack, LLC for site plan review and approval for a development containing 28 two family dwellings, located at 204 Commerce Drive. KAYE

**SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of 10-10-16**

SUBJECT: Site Plan No. 353 – Larkin Village

APPLICANT: Wahlack, LLC

PLANNING COMMISSION PUBLIC HEARING: September 13, 2016.

PLANNING COMMISSION ACTION: Recommendation of approval.

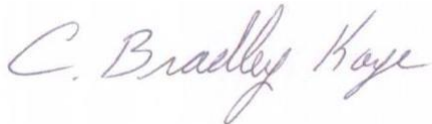
SUMMARY: THIS RESOLUTION WILL APPROVE A PETITION FROM WAHLACK, LLC FOR SITE PLAN REVIEW AND APPROVAL FOR A DEVELOPMENT CONTAINING 28 TWO FAMILY DWELLINGS, LOCATED AT 204 COMMERCE DRIVE.

ITEMS ATTACHED:

1. Letter to City Manager setting forth Planning Commission action.
2. Resolution for City Council action.
3. Staff Report to the Planning Commission dated September 22, 2016.
4. Planning Commission minutes of September 27, 2016. (public hearing)
5. Location map.
6. Site Plan.

CITY COUNCIL ACTION:

1. Public hearing is not required.
2. 3/5 vote required to approve resolution.



C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

CBK/djm

9-14-16



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

October 5, 2016

Jon Lynch, City Manager
City of Midland
Midland, Michigan

Dear Mr. Lynch:

At its meeting on Tuesday, September 13, 2016, the Planning Commission held a public hearing and considered Site Plan No. 353, the request of Wahlack, LLC for site plan review and approval for the construction of Larkin Village, a development containing 28 two family dwellings, located at 204 Commerce Drive.

Site Plan No. 353 was recommended for approval by City Planning Staff for reasons outlined in the staff report attached hereto. Additional detail provided at the public hearing fully addressed a recommended staff contingency regarding landscaping, and was therefore no longer required. After public hearing and deliberation on the request, it was moved and seconded that the Planning Commission recommend to City Council approval of Site Plan No. 353 contingent upon:

1. A final stormwater permit to be approved by the City Engineering Department.
2. A final soil erosion and sedimentation control permit to be approved by the City Building Department.
3. Temporary turnaround provisions during the phasing of construction shall be provided to the satisfaction of the City Fire Marshal and City Engineer.
4. An emergency access driveway shall be provided to the connection point of Driveway B on the Redwood development site, to the satisfaction of the City Fire Marshal and City Engineer.
5. Sign provisions to prohibit parking on one side of the street shall be provided to ensure compliance with Fire Code. Such signs must be approved by the City Fire Marshal.
6. A refuse collection agreement shall be provided to facilitate curb-side collection to the satisfaction of the City Department of Public Services.
7. Public sanitary sewer and water utility easements shall be provided to the satisfaction of the City Utilities Department, Engineering Department and City Attorney.

Vote on the motion:

YEAS: Bain, Hanna, Heying, Mayville, McLaughlin, Pnacek and Tanzini
NAYS: None
ABSENT: Koehlinger and Stamas

Motion approved by a vote of 7 to 0.

No public comments were received prior to or after the public hearing on this request.

Respectfully,

C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

LETTER OF TRANSMITTAL – Site Plan #353



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, the City Council has received the recommendation of the City Planning Commission for approval of Site Plan No. 353, the request of Wahlack, LLC for site plan review and approval for the construction of Larkin Village, a development containing 28 two family dwellings, located at 204 Commerce Drive; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 353 in accord with the provisions set forth in Sections 27.02(A) and 27.06(A) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council does hereby approve Site Plan No. 353, contingent upon the following:

1. A final stormwater permit to be approved by the City Engineering Department.
2. A final soil erosion and sedimentation control permit to be approved by the City Building Department.
3. Temporary turnaround provisions during the phasing of construction shall be provided to the satisfaction of the City Fire Marshal and City Engineer.
4. An emergency access driveway shall be provided to the connection point of Driveway B on the Redwood development site, to the satisfaction of the City Fire Marshal and City Engineer.
5. Sign provisions to prohibit parking on one side of the street shall be provided to ensure compliance with Fire Code. Such signs must be approved by the City Fire Marshal.
6. A refuse collection agreement shall be provided to facilitate curb-side collection to the satisfaction of the City Department of Public Services.
7. Public sanitary sewer and water utility easements shall be provided to the satisfaction of the City Utilities Department, Engineering Department and City Attorney.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk

Site Plan No. 353



Site Plan SP #353

Date: September 22, 2016

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Larkin Village

APPLICANT: Wahlack, LLC

LOCATION: 204 Commerce Drive

ZONING: (RA-4) One & Two Family Residential

ADJACENT ZONE: North: Residential A (Larkin Twp.)
East: Residential A (Larkin Twp.)
South: Residential A (Larkin Twp.)
West: RB and CC (City of Midland)

ADJACENT DEV: North: Agricultural/vacant (Larkin Twp.)
East: Sparse residential (Larkin Twp.)
South: Agricultural/vacant (Larkin Twp.)
West: Developing multiple family residential (City of Midland)

REPORT

Site Plan No. 353, initiated by Wahlack, LLC., is for a development containing 28 two-family residences, for a total of 56 units. The site plan includes two new streets, including Bartos Trail (to be public) and Wahlack North, South, & West (to be private). The residences will face the Wahlack loop. Bartos Trail will be built on the easternmost portion of the subject site and will be stubbed to allow for future development of the lands to the north and east of the subject site. The site plan further contains landscaping features and stormwater management facilities.

The subject property was recently zoned RA-4 One and Two Family Residential. Two-family residences (duplexes) are a permitted use by right within the RA-4 One & Two Family Residential zoning district. Site plan review and approval under Section 27.02(A) of the Zoning Ordinance is required for this proposed use. Section 27.06(A) of the Zoning Ordinance states that: "The following criteria shall be used as a basis upon which site plans will be reviewed and approved:"

BASIS FOR ACTION

1. Adequacy of Information

The site plan shall include all required information in sufficiently complete and

understandable form to provide an accurate description of the proposed uses and structures.

The site plan contains all of the information required for site plan approval but is in need of final approval of the following items:

- A final stormwater permit.
- A final soil erosion and sedimentation control permit.
- Temporary turnaround provisions during the phasing of construction.
- Connection to the abutting emergency access driveway of the Redwood development site.
- Sign provisions to prohibit parking on one side of the street.
- A refuse collection agreement.
- Public sanitary sewer and water utility easements.
- Additional general site landscaping.

2. **Site Design Characteristics**

All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.

The proposed development is seen as harmonious and efficiently organized on the parcel. The development is proposed to the east of a multi-family development that is currently under construction. The proposed Bartos Trail is designed to service the development as well as future development on lands to the north and east of the site. The internal private Wahlack drive loop will provide internal circulation for vehicles, while sidewalks along Commerce Drive, the west side of Bartos Trail, and the interior of Wahlack drive will provide appropriate pedestrian circulation.

3. **Appearance**

Landscaping, earth berms, fencing, signs, walls and other similar site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

The site improvements are seen as harmonious with the site and surrounding land and ongoing developments. Additional landscaping provisions are needed to be compliant with the general site landscaping standards of the zoning ordinance. This is discussed more within criterion number five below.

4. **Compliance with District Regulations**

The site plan shall comply with the district requirements for height of building, lot size, lot coverage, density, and all other requirements set forth in the Schedule of Regulations (Article 26.00) unless otherwise provided in this Ordinance.

The project meets all setbacks, lot area, height and other dimensional requirements for the proposed use in the (RA-4) One & Two Family Residential zoning district.

5. **Preservation and Visibility of Natural Features**

Natural features shall be preserved as much as possible, by minimizing tree and soil removal alteration to the natural drainage course and the amount of cutting, filling, and grading.

The proposal is utilizing the natural drainage course of the site and minimizes the amount of cutting and filling required. The site design maximizes preservation of existing trees on the northern edge of the property.

New landscaping is proposed along the Commerce Drive and Bartos Trail frontages to meet ordinance standards. However, the site plan is deficient on the required general site landscaping. A minimum additional 36 trees shattered throughout the interior of the site are needed to satisfy this requirement. The applicant has indicate that they will provide updated plans to address this requirement ahead of the public hearing on September 27, 2016. It is understood by staff that these additional trees will be planted along the front of the proposed dwellings.

6. **Privacy**

The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate if permitted, for the protection and enhancement of property and the safety and privacy of occupants and uses.

The site development is located within an existing agricultural field. A landscaping buffer strip is proposed along Commerce Drive where the back sides of the duplexes will face the street.

7. **Emergency Vehicle Access**

All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

The Fire Department has reviewed the proposed site plan for adequate emergency vehicle access to each of the proposed dwellings and is satisfied with the plan as proposed. Adequate access will exist on all sides of the duplexes and adequate fire hydrant coverage has been provided.

The applicant has indicated that they anticipate constructing the development in four phases. Utilities, the entirety of Bartos Trail, and eight duplexes will be included in phase one. As the Wahlack drive loop is phased, the developer must provide an adequate turnaround on any street that is stubbed and not fully completed. These turnarounds are necessary for emergency vehicle response. Since this item will be dealt with as needed throughout construction, staff is suggesting that it be added as a contingency item. The responsibility of ensuring a turnaround is completed at each phase will fall to the City Fire Marshal and City Engineer.

Emergency Access Connection to Redwood Site

During site plan review of the abutting Redwood development site (Site Plan No. 335 – copy attached), provisions were put in place for an emergency access driveway to connect to this subject property when it is proposed to develop. This connection was known as Driveway B and is located on the northeastern portion of the Redwood development site. The main driveway to the Redwood development off Commerce Drive was designed in a way to function as a split-driveway design utilizing a center boulevard. With these design provisions in place, Driveway B was then required to be a secondary, emergency-only access point.

Since the time of site plan approval of the Redwood development (Oct. 2014), nothing has changed regarding the need for two access points into that development. Staff has pointed this previous requirement out to the current developer. However, the applicant of

the current site plan (Larkin Village) has indicated that they do not desire the emergency connection point through their property and have made no provision for it on the submitted site plan.

Staff remains of the opinion that an emergency access driveway connecting the Redwood development and the current proposed development is important to protect the interests of both developments and to provide adequate emergency vehicle access to each site. Although direct road connection would be preferable, a full-access roadway is not necessary nor is it requested. Instead, an emergency-only access between the developments is recommended to meet the standard of providing direct and efficient emergency vehicle access.

8. **Ingress and Egress**

Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public or private streets and pedestrian walkways.

Adequate vehicular site access is proposed via Bartos Trail and the Wahlack drive loop. Bartos Trail is proposed to be designed and constructed to City standards to become a public street at some point in the future once the street is extended. The Wahlack drive loop is proposed to remain private after construction.

As indicated previously, during any phasing of construction the development must provide adequate turnarounds to facilitate proper ingress and egress within the site for emergency and public service vehicles. A resolution to the emergency access connection from the Redwood site is also needed, as discussed under criterion seven.

9. **Pedestrian Circulation**

Each site plan shall provide a pedestrian circulation system, which is insulated as completely as is reasonably possible from the vehicular circulation system.

Pedestrian circulation for this proposal is seen as adequate. New sidewalks are proposed along Commerce Drive, Bartos Trail, and within the interior of the Wahlack loop. The size of the sidewalks are proposed as 5 feet in width along Commerce Drive and Bartos Trail and 4 feet in width along the Wahlack loop. These proposed widths comply with the standards of the City Engineering Department.

Future development east of Bartos Trail will require the installation of additional sidewalks along the eastern length of this road.

10. **Vehicular and Pedestrian Circulation Layout**

The layout of vehicular and pedestrian circulation systems shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry in accordance with subsection 3.10. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

Both vehicle and pedestrian circulation are considered appropriate for this development; although it should again be noted that during any phasing the developer will be required to provide adequate turnarounds on the proposed streets to facilitate proper vehicle ingress and egress within the site.

11. **Parking.**

The proposed development shall provide adequate off-street parking in accordance with the requirements in Article 5.00 of this ordinance.

The parking proposed for the new development is compliant with Article 5.00 of the Zoning Ordinance. All units provide the required number of parking spaces within the proposed garages and on the driveways for each unit.

12. **Drainage**

The project must comply with the City's Stormwater Ordinance.

The City Engineering Department has reviewed the proposal and indicated that the calculations presented are sufficient to meet the City's stormwater management ordinance. The final stormwater permit must still be signed off by the City Engineering Department, something that it typically completed at the final engineering design and permitting stage.

13. **Soil Erosion and Sedimentation**

The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current State, County, and City standards.

Soil erosion and sedimentation control details must be submitted for review and approval. The City Building Department will give final approval on this permit, which is typically addressed at the final permitting stage.

14. **Exterior Lighting**

Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets and comply with the provisions in Section 3.12.

The applicant has submitted detailed photometric plans that are compliant with the City's ordinance standards for exterior lighting.

15. **Public Services**

Adequate services and utilities, including water, sewage disposal, sanitary sewer, and storm water control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development. All streets and roads, water, sewer, and drainage systems, and similar facilities shall conform to the design and construction standards of the City.

As previously discussed, a final stormwater management permit must be approved by the City Engineering Department. This is typically addressed at final permitting stage.

Since the Wahlack drive loop is proposed to be a private street, a refuse collection agreement is needed to the satisfaction of the City Department of Public Services. Such an agreement will provide for door-to-door curb-side refuse and recycling collection.

As usual with developments of this nature, public utility easements for the water and sanitary sewer mains will be needed after construction. This item is dealt with during the final construction phase and is handled administratively by the City Utility Department, Engineering Department, and City Attorney.

16. **Screening**

Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas shall be screened by walls or landscaping of adequate height and shall comply with Articles 6.00 and 7.00 of this Ordinance. All roof-top mechanical equipment shall be screened from view from all residential districts and public roadways.

The proposal meets all City screening requirements.

17. **Health and Safety Concerns**

Any use in any zoning district shall comply with all applicable public health, pollution, and safety laws and regulations.

Aside from the issue of emergency vehicle access discussed in subsection 7 above, no additional health and safety concerns have been identified.

18. **Sequence of Development**

All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

The applicant has indicated that they intend to develop the site in four (4) phases. Utilities, the entirety of Bartos Trail, the first stub of the Wahlack drive loop, and eight duplexes are part of the first phase. Each of the next three phases will include an additional portion of the Wahlack drive loop and six to eight duplexes.

While staff believes that this sequencing is appropriate, certain turnaround measures must be in place as the Wahlack drive loop is constructed in phases. This item can be addressed through the addition of a contingency of approval. If this is the case, staff is recommending that the City Fire Marshal and City Engineer be given the responsibility of ensuring adequate temporary turnarounds are provided.

19. **Coordination with Adjacent Sites**

All site features; including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

The proposal is mostly contained on the single site. However, coordination with the City Engineering Department will be necessary during construction of the proposed Bartos Trail connection to Commerce Drive. Work within the Commerce Drive right-of-way for the sidewalk will also need to be coordinated with the City Engineering Department. This will be handled through the issuance of a right-of-way permit during the final permitting phase.

20. **Signs.**

All proposed signs shall be in compliance with the regulations in Article 8.00 of this Ordinance

The applicant has indicated a single ground mounted sign as part of this development. While size details have not been provided, the location indicated on the site plan is compliant with setback standards. Final approval of the sign is necessary and will be handled through the City Building Department to ensure full compliance with Article 8.00.

CONTINGENCY ITEMS

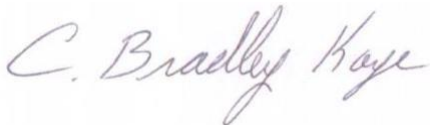
Based on consideration of the site plan thus far, staff is of the opinion that the proposed site plan is adequately designed and that any outstanding items are minor enough in magnitude that can be resolved by staff. That said, approval of the site plan should be considered subject to the following contingencies to ensure completion of the outstanding items:

1. A final stormwater permit to be approved by the City Engineering Department.
2. A final soil erosion and sedimentation control permit to be approved by the City Building Department.
3. Temporary turnaround provisions during the phasing of construction shall be provided to the satisfaction of the City Fire Marshal and City Engineer.
4. An emergency access driveway shall be provided to the connection point of Driveway B on the Redwood development site, to the satisfaction of the City Fire Marshal and City Engineer.
5. Sign provisions to prohibit parking on one side of the street shall be provided to ensure compliance with the Fire Code. Such signs must be approved by the City Fire Marshal.
6. A refuse collection agreement shall be provided to facilitate curb-side collection to the satisfaction of the City Department of Public Services.
7. Public sanitary sewer and water utility easements shall be provided to the satisfaction of the City Utilities Department, Engineering Department and City Attorney.
8. An additional 36 trees shall be provided, at minimum, to satisfy general site landscaping standards to the satisfaction of the City Planning Department.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on September 27, 2016 and will formulate a recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on October 10, 2016 the City Council will consider the site plan and Planning Commission recommendation. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,



C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

/grm

**MINUTES OF THE MEETING OF THE
MIDLAND CITY PLANNING COMMISSION
WHICH TOOK PLACE ON
TUESDAY, SEPTEMBER 27, 2016, 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Chairman McLaughlin
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.

3. **Roll Call**

PRESENT: Bain, Hanna, Heying, Mayville, McLaughlin, Pnacek and Tanzini

ABSENT: Koehlinger and Stamas

OTHERS PRESENT: Grant Murschel, Community Development Planner; Debbie Marquardt, Technical Secretary and eight (8) others.

4. **Approval of Minutes**

Moved by Mayville and seconded by Bain to approve of the minutes of the regular meeting of August 23, 2016. Motion passed unanimously.

5. **Public Hearing**

- a. **Site Plan No. 353** – initiated by Wahlack, LLC for site plan review and approval for the construction of Larkin Village, a development containing 28 two family dwellings, located at 204 Commerce Drive.

Grant Murschel gave the presentation for the site plan which includes 56 total dwelling units in a RA-4 zoning district. A detention pond is in the center of the development. Sidewalks are to extend along Commerce Drive and along Bartos Trail, which is a public road. Each duplex will have its own driveway for parking. Landscaping will be along the street frontage of Commerce Drive and along Bartos Trail. This site is proposed in four phases. All units will be two bedrooms and one story units.

Two items outstanding are a temporary turnaround provisions during the phasing of construction and sign provisions to prohibit parking on one side of the street.

Hanna questioned the sidewalk and why they are only on one side of the street. Murschel stated that they need to provide pedestrian circulation and will provide sidewalk on one side of the road. She doesn't see any access for the city bus to pick up people. Murschel stated that it will be curb side service at their own doors. The streets will be wide enough to do that.

Mayville asked about the emergency access road. Murschel stated that they provide material under the grass to support the fire vehicles. Mayville asked about the signs on parking on one side of the street and who enforces that. Murschel stated that the private property owner would be required to enforce that since it is a private drive.

Mayville asked why the curve in Bartos Trail. That is in place for future development.

Heying asked about the elevation and the ditch. They will do grading over top of the ditch. That drain also went across the Redwood site and their storm water management still accommodates the ditch.

Hanna asked about the rear view of the house. There is one door on the back and one on the side.

Jerry Schafer, 837 Whitetail, Midland is the project architect. He stated that the streets they are building are a typical city street. All of the curbs are roll curbs and drive over curbs.

No one spoke in support or opposition of the proposal. The public hearing was closed.

A motion was made by Heying to waive the procedural requirements to permit consideration of the proposed application. The motion was seconded by Hanna. The motion was approved unanimously.

Pnacek stated it was a good site plan. Heying stated that when you look at it the plan is consistent with the Redwood Development. The plan meets the zoning ordinance. Bain was glad to hear about the emergency access. Hanna asked if any units will be handicapped accessible. Mayville had his questions answered. McLaughlin stated he agreed it is a good development.

The staff report included 8 recommended contingencies should approval of the project be considered. The applicant has fully satisfied contingency number 8 through the provision of a more detailed landscaping plan. Inclusion of that contingency is therefore no longer required.

It was moved by Heying and supported by Hanna to recommend approval of Site Plan No. 353 initiated by Wahlack, LLC for the construction of Larkin Village, a development containing 28 two family dwellings located at 204 Commerce Drive contingent on:

1. A final stormwater permit to be approved by the City Engineering Department.
2. A final soil erosion and sedimentation control permit to be approved by the City Building Department.
3. Temporary turnaround provisions during the phasing of construction shall be provided to the satisfaction of the City Fire Marshal and City Engineer.
4. An emergency access driveway shall be provided to the connection point of Driveway B on the Redwood development site, to the satisfaction of the City Fire Marshal and City Engineer.
5. Sign provisions to prohibit parking on one side of the street shall be provided to ensure compliance with Fire Code. Such signs must be approved by the City Fire Marshal.
6. A refuse collection agreement shall be provided to facilitate curb-side collection to the satisfaction of the City Departments of Public Services.
7. Public sanitary sewer and water utility easements shall be provided to the satisfaction of the City Utilities Department, Engineering Department and City Attorney.

YEAS: Bain, Hanna, Heying, Mayville, McLaughlin, Pnacek and Tanzini
NAYS: None
ABSENT: Koehlinger and Stamas

6. Old Business

None

7. Public Comments (unrelated to items on the agenda)

None

8. New Business

None

9. Communications

None

10. Report of the Chairperson

None

11. Report of the Planning Director

Murschel mentioned the amendments to the Zoning Ordinance they received at their desk and to update their book. The public hearing for Conditional Use Permit No. 57 is going to city council on October 10. There will be a work session on October 11 at 6:00 pm and then the regular scheduled Planning Commission meeting at 7:00 for a presentation on access management.

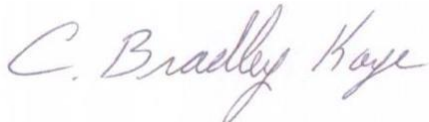
12. Items for Next Agenda – October 11, 2016

- a. Presentation on Access Management

13. Adjourn

It was motioned by Mayville seconded by Hanna to adjourn at 7:38p.m. Motion passed unanimously.

Respectfully submitted,

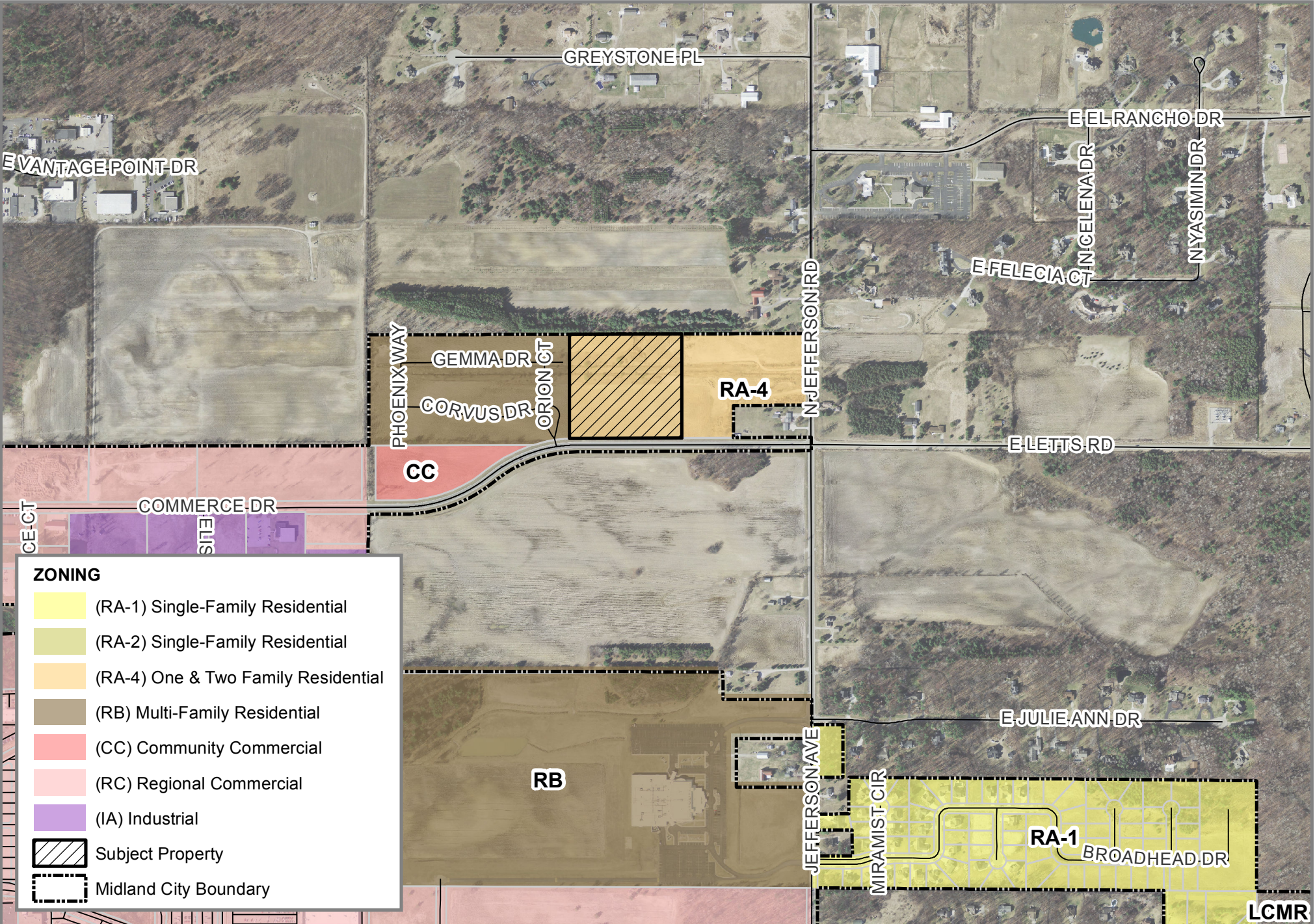


C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

SP #353 | Larkin Village

> 2 Page 102 Commerce Drive - Wahlack, LLC



ZONING

(RA-1) Single-Family Residential

(RA-2) Single-Family Residential

(RA-4) One & Two Family Residential

(RB) Multi-Family Residential

(CC) Community Commercial

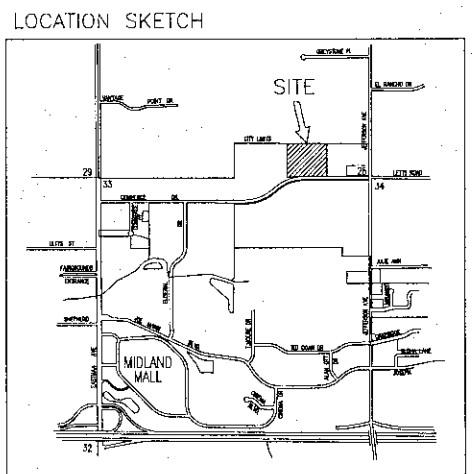
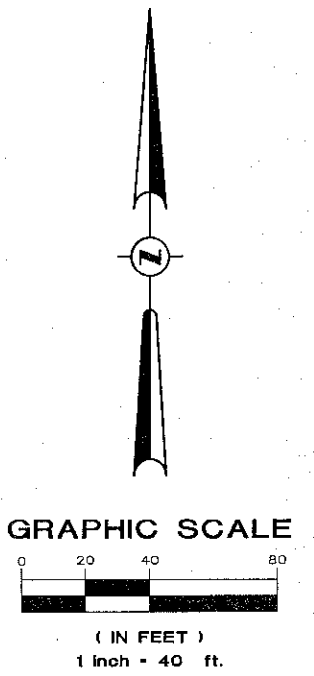
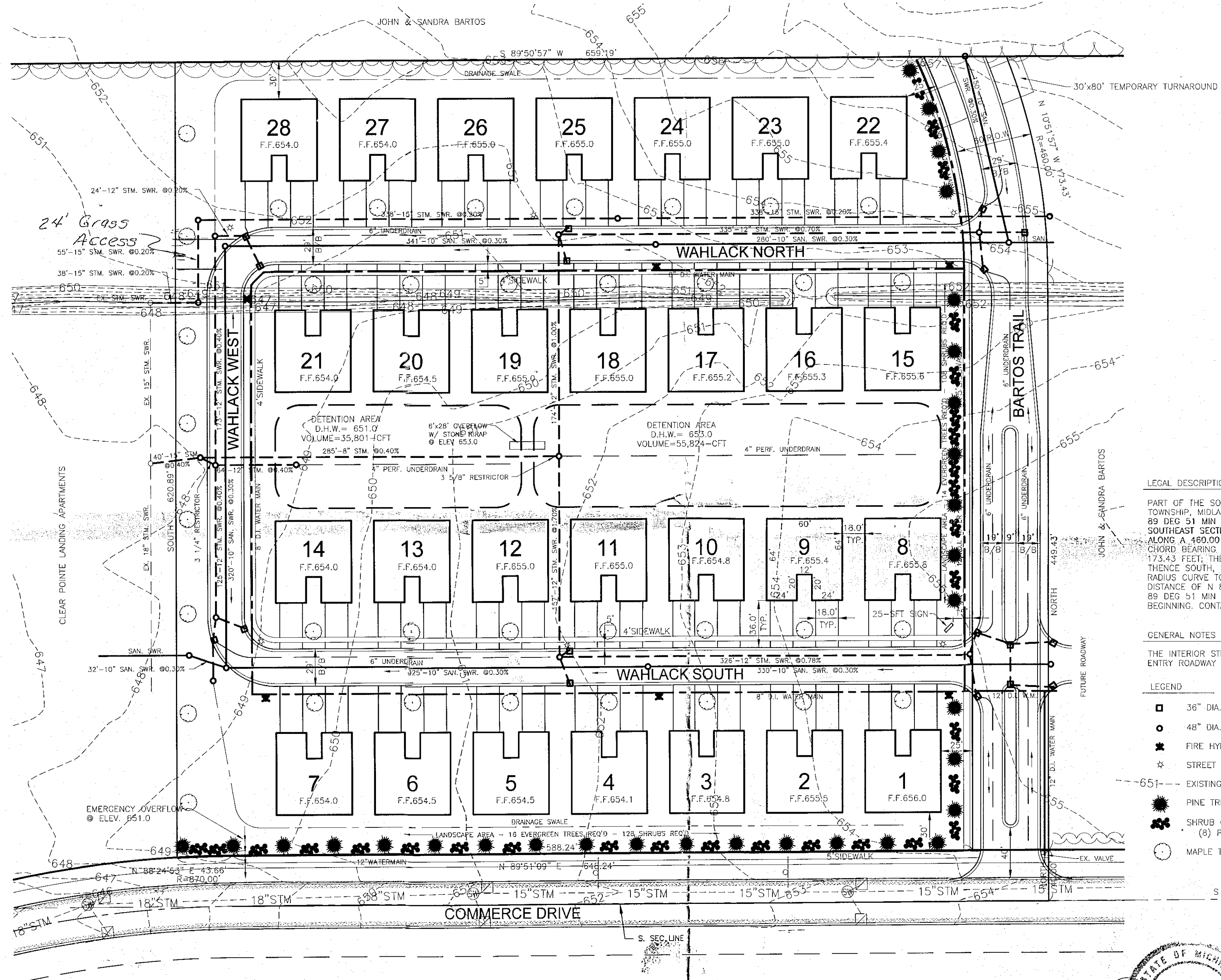
(RC) Regional Commercial

(IA) Industrial

Subject Property

Midland City Boundary

RECEIVED
SEP 26 2016
PLANNING DEPT



LEGAL DESCRIPTION

PART OF THE SOUTHEAST 1/4 OF SECTION 28, T15N-R2E, LARKIN TOWNSHIP, MIDLAND COUNTY, MICHIGAN BEGINNING 744.95 FEET, S 89 DEG 51 MIN 09 SEC W AND 40.00 FEET NORTH OF THE SOUTHEAST SECTION CORNER; THENCE NORTH 449.43 FEET; THENCE ALONG A 460.00 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF N 10 DEG 51 MIN 57 SEC W, 173.43 FEET; THENCE S 89 DEG 50 MIN 57 SEC W, 659.19 FEET; THENCE SOUTH, 620.89 FEET; THENCE ALONG A 870.00 FEET RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF N 88 DEG 24 MIN 53 SEC E, 43.66 FEET; THENCE N 89 DEG 51 MIN 09 SEC E, 648.24 FEET TO THE POINT OF BEGINNING. CONTAINING 9.80 ACRES.

GENERAL NOTES

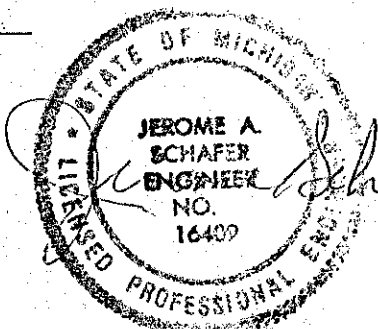
THE INTERIOR STREETS ARE PRIVATE
ENTRY ROADWAY IS PUBLIC AND CONFORMS TO CITY SPECIFICATIONS

LEGEND

- | | |
|--------------------------------|---------------------|
| □ 36" DIA. C.B. | ZONING: RA-4 |
| ○ 48" DIA. MANHOLE | SETBACKS: |
| * FIRE HYDRANT | FRONT 25 FEET |
| ☆ STREET LIGHT | SIDE 7 FEET |
| --- 65' --- EXISTING CONTOUR | BOTH SIDES 16 FEET |
| ● PINE TREE | REAR 25 FEET |
| ● SHRUB CLUSTER (FIR & SPRUCE) | SIDE STREET 15 FEET |
| ● (8) PER CLUSTER | |
| ○ MAPLE TREE | |

SOUTHEAST CORNER
SECTION 28
T15N-R2E
LARKIN TWP.
MIDLAND CO., MI

S 89°51'09" W 744.95'

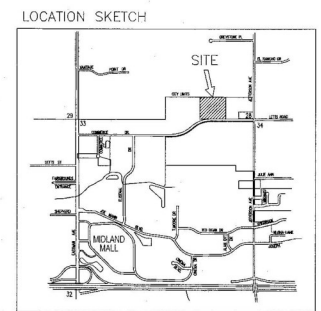
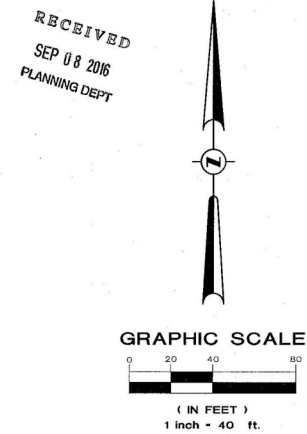
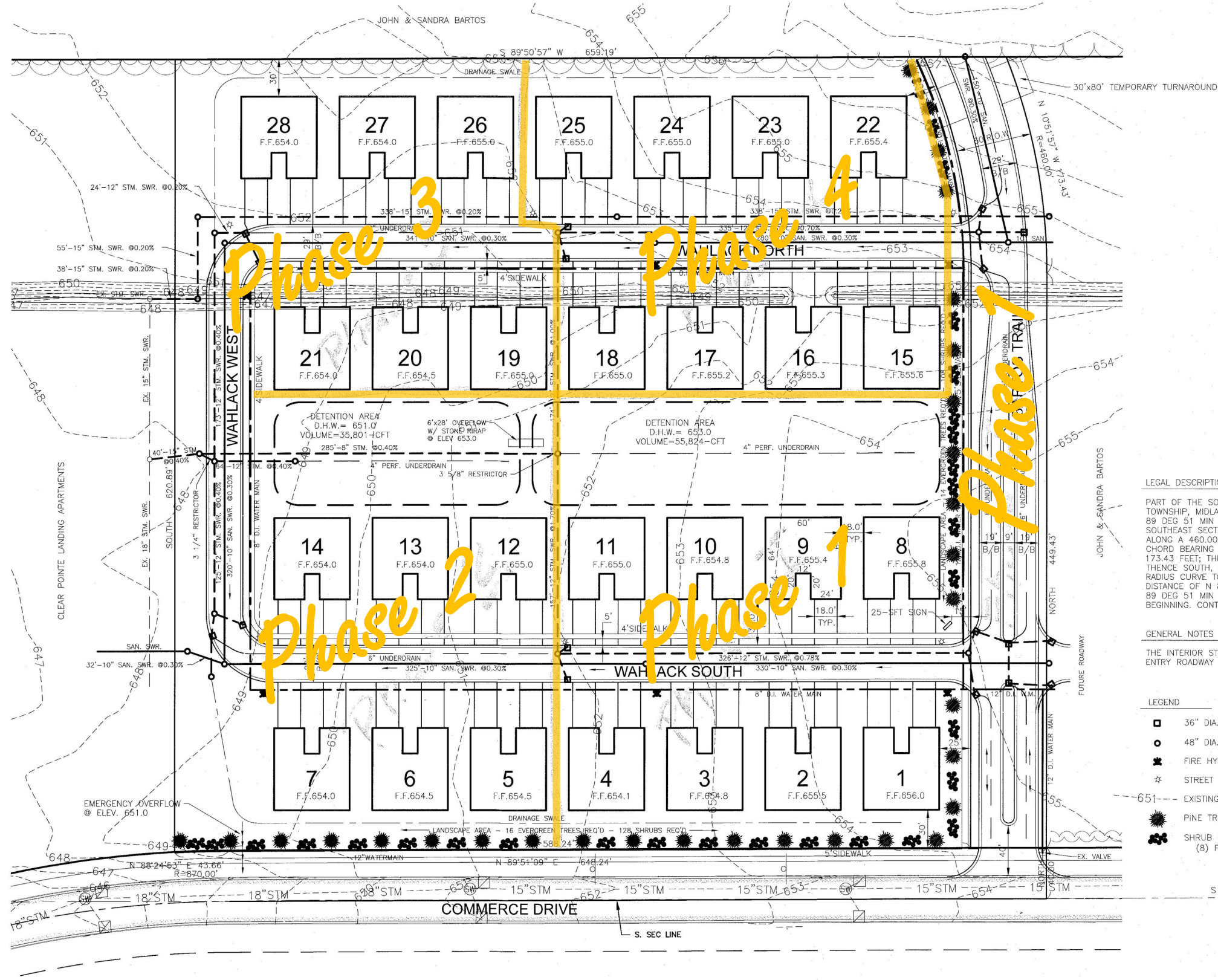


DEVELOPER:
WAHLACK LLC
P.O. BOX 604
MIDLAND, MICHIGAN 48621
TEL: 989-615-1558

LARKIN VILLAGE DUPLEXES
SITE PLAN

JEROME SCHAFER, P.E.
837 WHITETAIL
MIDLAND, MICHIGAN 48640

DRAWING No.
S1



LEGAL DESCRIPTION

PART OF THE SOUTHEAST 1/4 OF SECTION 28, T15N-R2E, LARKIN TOWNSHIP, MIDLAND COUNTY, MICHIGAN BEGINNING 744.95' FEET, S 89 DEG 51' MIN 09 SEC W AND 40.00 FEET NORTH OF THE SOUTHEAST SECTION CORNER; THENCE NORTH 449.43 FEET; THENCE ALONG A 460.00 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF N 10 DEG 51' MIN 57 SEC W, 173.43 FEET; THENCE S 89 DEG 50' MIN 57 SEC W, 659.19 FEET; THENCE SOUTH, 620.89 FEET; THENCE ALONG A 870.00 FEET RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF N 88 DEG 24' MIN 53 SEC E, 43.66 FEET; THENCE N 89 DEG 51' MIN 09 SEC E, 648.24 FEET TO THE POINT OF BEGINNING. CONTAINING 9.80 ACRES.

GENERAL NOTES

THE INTERIOR STREETS ARE PRIVATE.
ENTRY ROADWAY IS PUBLIC AND CONFORMS TO CITY SPECIFICATIONS

LEGEND

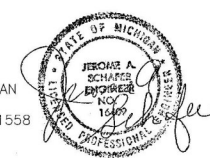
- 36" DIA. C.B.
- 48" DIA. MANHOLE
- FIRE HYDRANT
- STREET LIGHT
- EXISTING CONTOUR
- PINE TREE
- SHRUB CLUSTER (FIR & SPRUCE)
(8) PER CLUSTER

ZONING: RA-4

SETBACKS:
FRONT 25 FEET
SIDE 7 FEET
BOTH SIDES 16 FEET
REAR 25 FEET
SIDE STREET 15 FEET

SOUTHEAST CORNER
SECTION 28
T15N-R2E
LARKIN TWP.
MIDLAND CO., MI

DEVELOPER:
WAHLACK LLC
P.O. BOX 604
MIDLAND, MICHIGAN
48623
TEL: 989-615-1558

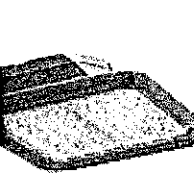
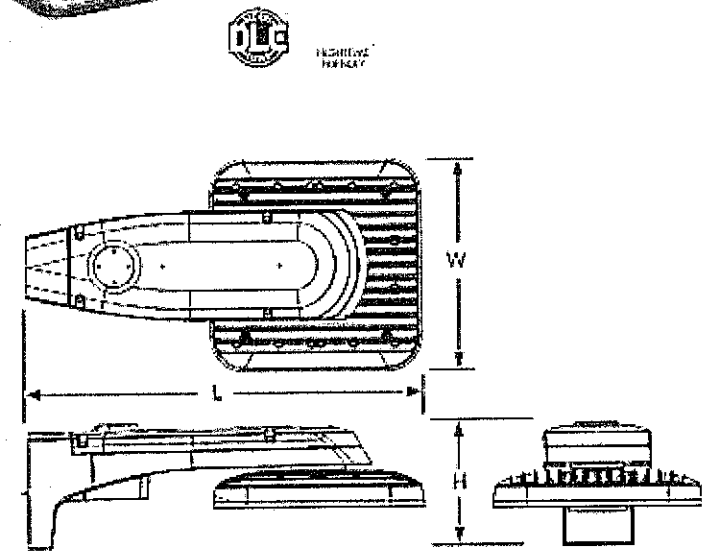


JEROME SCHAFER, P.E.
837 WHITTAIL
MIDLAND, MICHIGAN 48640

DRAWING No.

SI

9-8-16

**KAX LED Size 1
LED Area Luminaire****Introduction**

This feature rich luminaire embodies the highest level of functionality, and with field-rotatable optics and optional tilt, light can be placed exactly where it's needed. The optics are specifically designed to maximize the light in the desired area and are particularly useful in small to medium sized parking lots or lots requiring higher illuminance levels such as restaurants, banks, service stations, corporate offices and strip malls. By providing the maximum amount of light at minimal cost, the KAX1 is the perfect choice for new installations or retrofit installations replacing up to 400W MH.

EXAMPLE: KAX1 LED P4 40K R3 110VOLT SPA DBB3X

Label	Qty	Notes	Notes	Notes
1	100	100	100	100
2	100	100	100	100
3	100	100	100	100
4	100	100	100	100

Notes	Notes	Notes	Notes	Notes
1	100	100	100	100
2	100	100	100	100
3	100	100	100	100
4	100	100	100	100

Notes	Notes	Notes	Notes	Notes
1	100	100	100	100
2	100	100	100	100
3	100	100	100	100
4	100	100	100	100

One Indiana Way • Corona, Georgia 30017 • Phone 800.777.0041 • www.kax.com
© 2011 KAX Lighting Inc. All rights reserved.

Label	Location	Alt.
C	375.80	18.99
C	292.40	17.94
C	214.22	17.94
C	132.38	18.99
C	51.07	18.99
C	29.72	18.99
C	108.43	22.11
C	449.30	20.03
C	27.77	306.48
C	53.15	302.80
C	135.12	303.85
C	216.03	302.80
C	294.85	302.80
C	376.82	303.33
C	457.21	299.65
C	104.48	305.43
C	470.68	254.01
C	469.46	67.19
C	469.07	161.31
F	149.15	150.15
F-1	149.14	148.85
F-2	149.17	151.45
F	149.00	-90.89
F-1	149.00	-90.59
F-2	149.00	-92.19

Symbol	Label	Quantity	Manufacturer	Model	Description	Temp	Number	Notes	Lumens Per Lamp	Light Loss Factor	Wattage
	C	19	Lithonia Lighting	KAX1 LED P1 50K R3 110VOLT	KAX AREA SERIES SIZE 1, 5000 K, TYPE 3, 120-277V	LED	1	KAX1 LED P1 50K R3 110VOLT	6744	0.9	50
	F	2	Lithonia Lighting	KAX1 LED P2 50K R3 110VOLT TWIN	KAX AREA SERIES SIZE 2, 5000 K, TYPE 4, 120-277V	LED	1	KAX1 LED P2 50K R3 110VOLT	12025	0.9	192

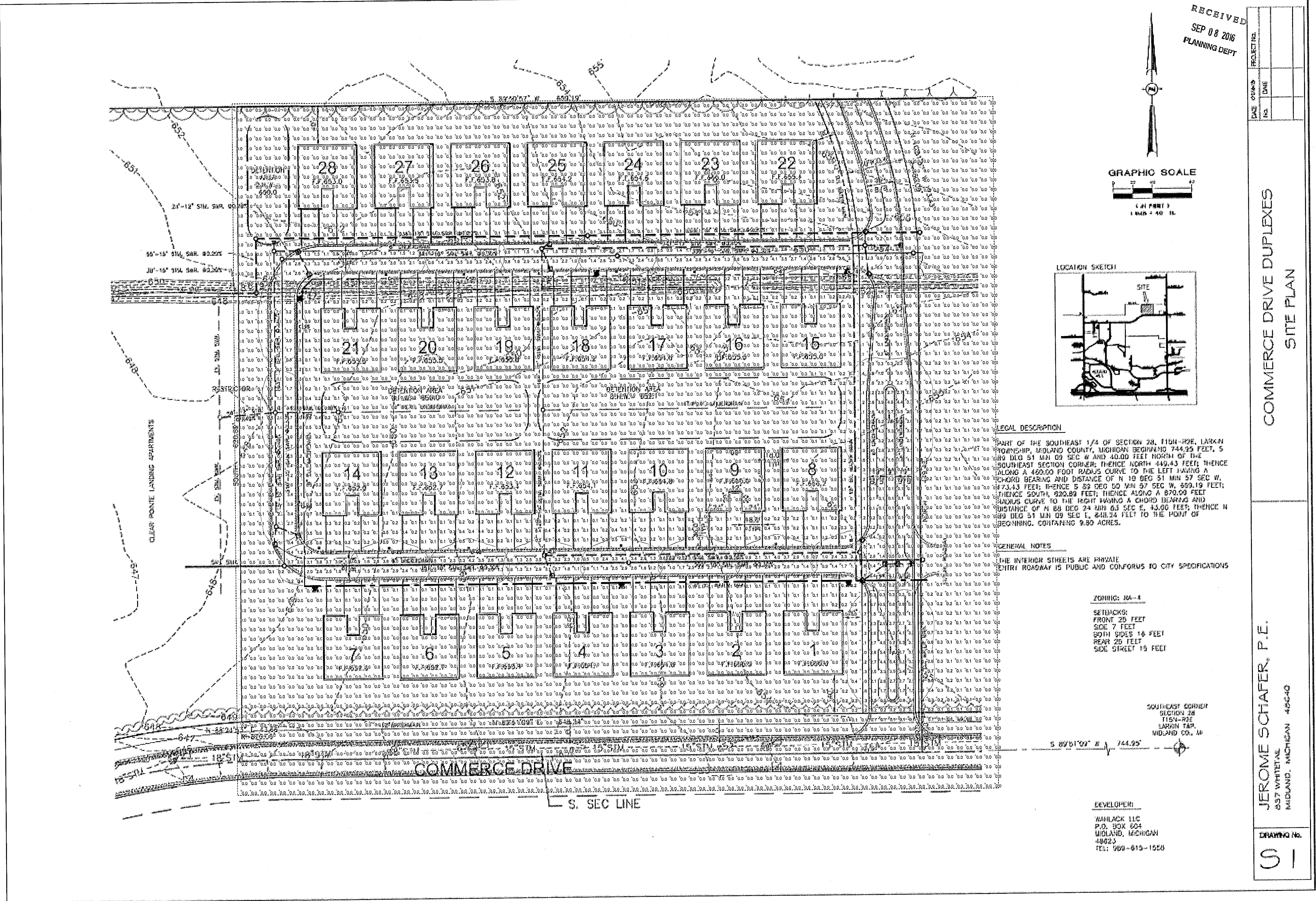
Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
OVERALL SITE	+	0.3 fc	8.0 fc	0.0 fc	N/A	N/A
Stat Zone # 2	X	1.5 fc	8.0 fc	0.0 fc	N/A	N/A

Note

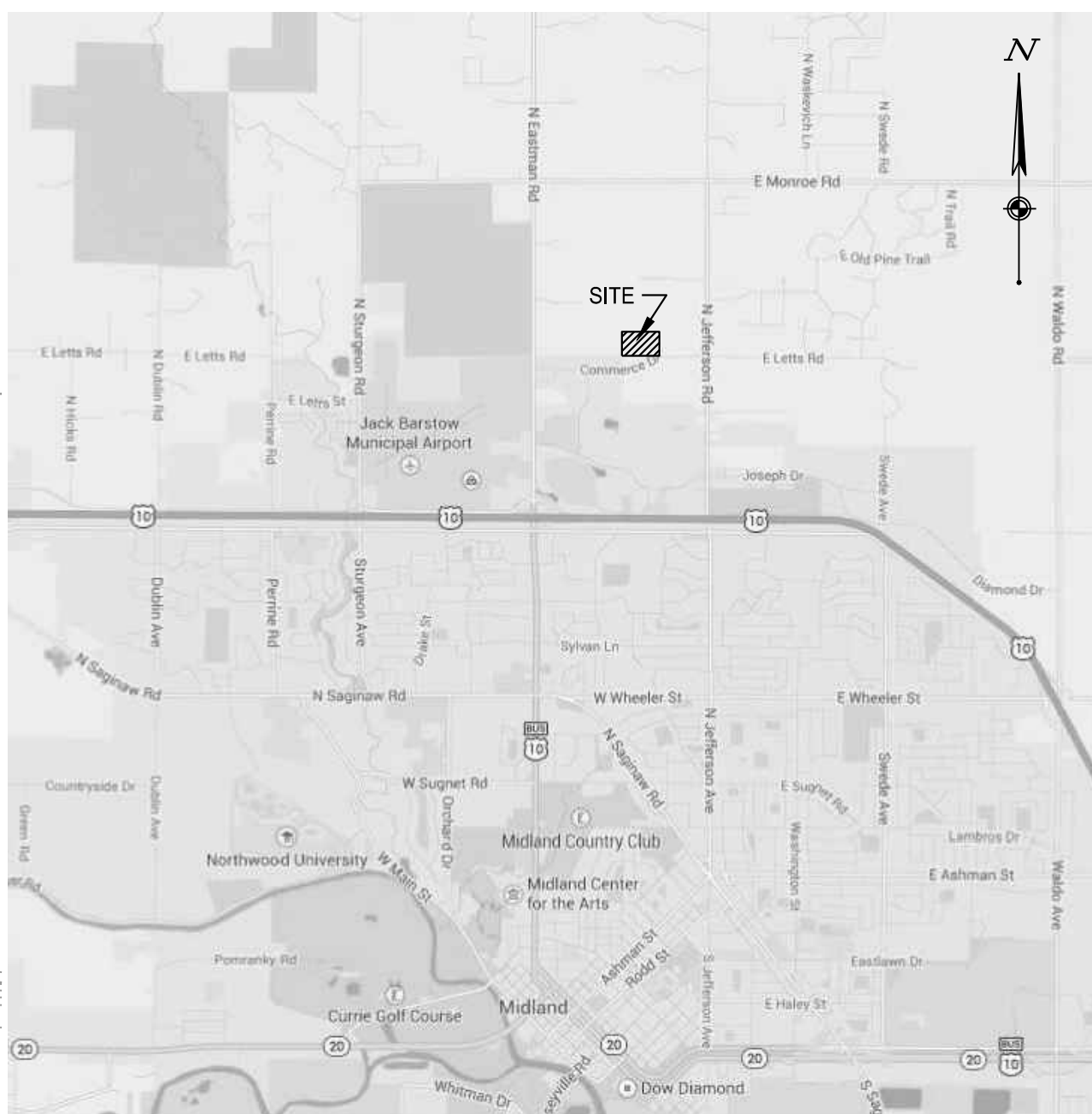
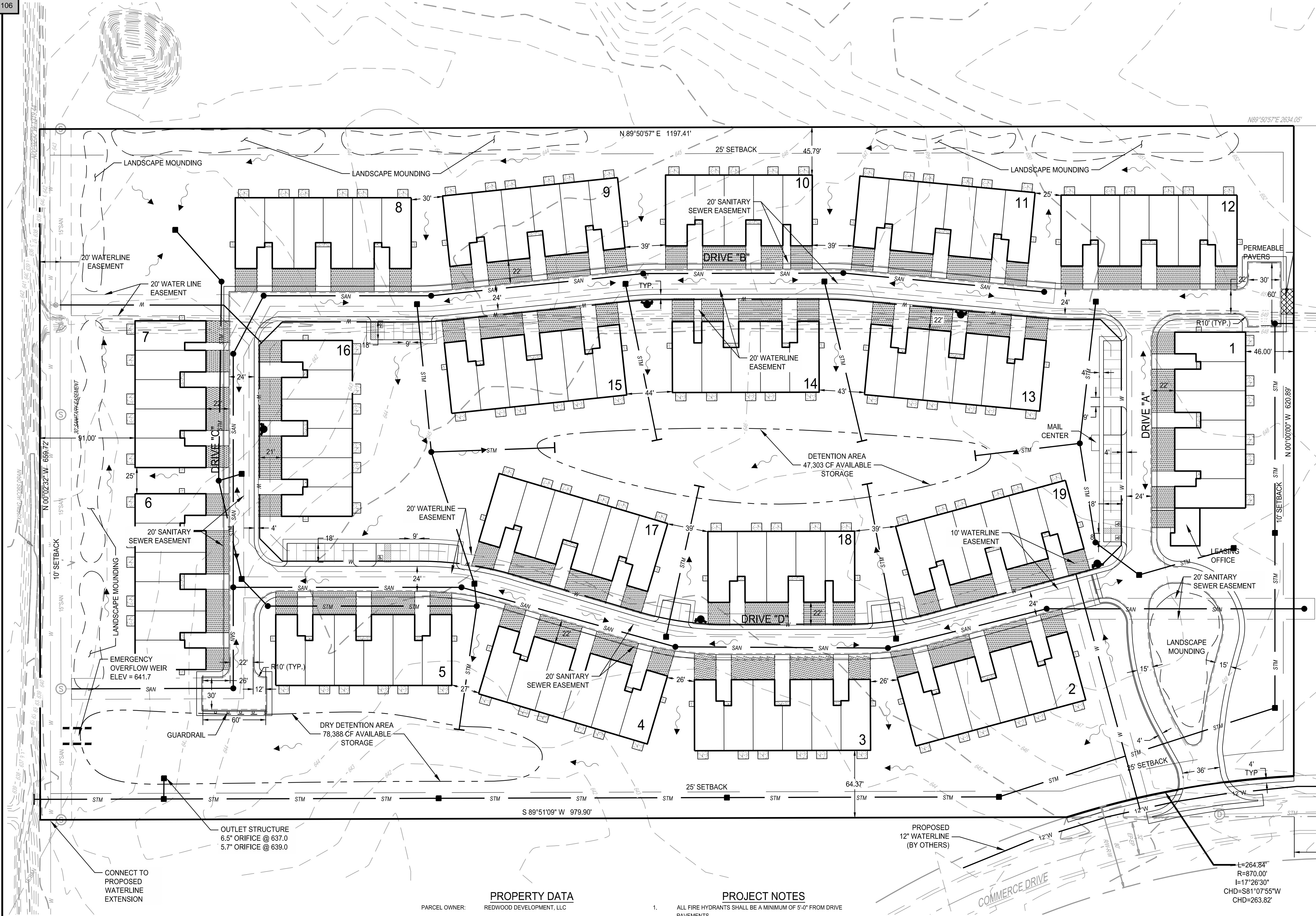
THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE LAYOUT TO EXISTING / FUTURE FIELD CONDITIONS. THIS LIGHTING LAYOUT REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURER'S LUMINAIRE MAY VARY DUE TO VARIATION IN ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS, AND OTHER VARIABLE FIELD CONDITIONS. MOUNTING HEIGHTS INDICATED ARE FROM GRADE AND/OR FLOOR UP.

THESE LIGHTING CALCULATIONS ARE NOT A SUBSTITUTE FOR INDEPENDENT ENGINEERING ANALYSIS OF LIGHTING SYSTEM SUITABILITY AND SAFETY. THE ENGINEER AND/OR ARCHITECT IS RESPONSIBLE FOR REVIEW FOR MICHIGAN ENERGY CODE AND LIGHTING QUALITY COMPLIANCE.

COMMERCE DRIVE DUPLEXES
SITE PLANJEROME SCHAFER, P.E.
357 WHITEHALL
MIDLAND, MICHIGAN 49640

DRAWING No.

S 1



REV	NO.	DATE	DESCRIPTION
1	1	10/31/14	ADD HC PARKING, PAVERS, INCR. ENTRANCE WIDTH

OVERALL SITE PLAN

CLEARPOINTE LANDING APARTMENTS

NOT FOR CONSTRUCTION

ceso
CREATION TO COMPLETION
www.cesoinc.com
Engineering • Architecture • Survey • Construction Mgt • Environmental

ISSUE:	DRAFT
DATE:	10/29/2014
JOB NO.:	750757
DESIGN:	JL
DRAWN:	LDB
CHECKED:	MRB
SHEET NO.	1

Backup material for agenda item:

8. * Approving the request of Sean VanEvery to conduct a Pokemon Go! Food Drive on Friday, October 14. MCMANUS

SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of October 10, 2016

SUBJECT: POKEMON GO! FOOD DRIVE

INITIATED BY: City of Midland Engineering Department

RESOLUTION SUMMARY:

The attached resolution approves the request from Sean VanEvery seeking permission to conduct a Pokemon Go! Food Drive in the area of the couple statue near the Tridge on Friday, October 14, 2016, utilizing the public right-of-way.

ITEMS ATTACHED:

1. Letter of transmittal
2. Letter of request
3. Resolution

CITY COUNCIL ACTION:

3/5 vote required to approve resolution

SUBMITTED BY: Brian McManus, City Engineer



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

October 5, 2016

Jon Lynch, City Manager
City of Midland
Midland, MI 48640

Dear Mr. Lynch:

Attached please find a request from Sean VanEvery seeking permission to conduct a Pokemon Go! Food Drive in the area of the couple statue near the Tridge on Friday, October 14, 2016, utilizing the public right-of-way. The Administrative Staff has reviewed the request and recommends approval subject to the following conditions:

- The responsible party and contact number for the event date is Sean VanEvery, 989-513-4598.
- Use of this area is non-exclusive and this event cannot block access to the Tridge or flow of traffic on any of the surrounding trails.
- Organizer must clean up the area after the event is over.
- Organizer must coordinate fencing request with Parks Department.

Attached for your consideration is a resolution which will grant approval of the request. The resolution also grants authority to the Administrative Staff to approve future requests if conducted in substantially the same manner.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Brian P. McManus
City Engineer

BPM:pp

Enclosure

Event Application

Thank you for submitting an event request with the City of Midland. Please fill out the information below and submit. A staff member will be in touch with you shortly.

Sponsoring Organization	Gaming4Growth
Contact Person/Position	Sean VanEvery/Intern
Please describe your organization	A Michigan non-profit that host gaming events and table top events for the Midland community.
Non-Profit Organization?	Yes
Phone Number	(989) 513-4598
Email	sean@gaming4growth.org
Address1	2708 Abbott Rd.
City	Midland
State	Michigan
Zip	48642
Name of Proposed Event	Pokemon Go! Food Drive
Brief Description of Event	A canned food drive for families in need around the holidays. Participants will be allowed entry to this event by donating one can good or a dollar donation. The event will be taking place in front of the tridge by the couple statue, and our organization will provide all the lures for the night. We plan to have raffles for the team that donated the most can goods, and other raffles for participants.
Requested Date(s) of Use	October 14th
Requested Time(s) of Use	6PM
Is this a Repeat Event?	No
Set Up to Begin	5pm
Duration of Event	6pm-8:00pm

Clean Up to End	8pm
Requested Location	Tridge/Couple Statue area
Will You Charge Admission?	Yes; Canned good or dollar donation
No. Participants Expected?	40
What type of event are you hosting?	Park Event
Will you be utilizing tents and if so, what size are your tents?	No
Street Closures: Are you requesting any street closures?	No
Times Streets Closed	<i>Field not completed.</i>
Times Streets Reopened	<i>Field not completed.</i>
Please describe your street closure requests:	<i>Field not completed.</i>
Will you apply to serve alcohol?	No
Concessions: Who will provide?	No concessions
What are your electrical needs?	None needed as of now.
Will you be utilizing amplified sound?	No
How will sound be amplified?	<i>Field not completed.</i>
Will you be providing additional restroom facilities above what is	No

already offered at the requested location? If so, who will be providing this service?

If you are holding your event in a park, will you be reserving a park shelter for your event?

No

The City of Midland offers equipment rental for a fee based on availability. Are you interested in utilizing any of the following?

Metal Event Fencing

Other Requests: Please note that other elements of your event may require additional approval. Do you have additional requests (i.e. fireworks, etc.)?

Field not completed.

Equipment rental fees must be paid in advance of event. The organization representative may receive an invoice for additional City services after completion of the event based on the final utilization of staff and resources. Please be aware that other elements of your event may require additional approval.

A map, sketch of event layout, race route or other map must be included with this application.

Field not completed.

Email not displaying correctly? [View it in your browser.](#)

\



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

BY COUNCILMAN

RESOLVED, that the request from Sean VanEvery seeking permission to conduct a Pokemon Go! Food Drive in the area of the couple statue near the Tridge on Friday, October 14, 2016, utilizing the public right-of-way, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is Sean VanEvery, 989-513-4598.
- Use of this area is non-exclusive and this event cannot block access to the Tridge or flow of traffic on any of the surrounding trails.
- Organizer must clean up the area after the event is over.
- Organizer must coordinate fencing request with Parks Department.

; and

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided it is conducted in substantially the same manner.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk

Backup material for agenda item:

9. * 2016 Center City Signal Pole Painting; Contract No. 24. TISDALE

**SUMMARY REPORT TO CITY MANAGER
for City Council meeting of October 10, 2016**

SUBJECT: Award of Contract for Center City Signal Pole Painting

INITIATED BY: Selina Tisdale, Director of Community Affairs

RESOLUTION SUMMARY: This resolution accepts the low bid submitted by J. Ranck Electric Company of Mt. Pleasant, Michigan in the amount of \$127,820.00 for the "2016 Center City Signal Pole Painting; Contract No. 24" and authorizes the Mayor and the City Clerk to execute a contract in accord with the proposal and the City's specifications and further authorizes the City Manager to approve change orders in an aggregate amount not to exceed \$20,000.00.

ITEMS ATTACHED:

1. Letter of transmittal
2. Resolution

CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolution



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax

October 5, 2016

Jon Lynch, City Manager
City of Midland, Michigan

Dear Mr. Lynch:

In February of this year the City of Midland accepted a grant from the Entranceways Initiative Task Force of the Midland Area Community Foundation to paint the traffic signal poles of the major intersections throughout the Center City district in order to freshen their appearance and add defining elements to the district. This project will refurbish 34 galvanized gray-steel signal poles in the district with a fresh coat of black shiny paint.

On Tuesday, October 4, 2016 at 2:00 p.m., sealed proposals were publicly opened and read by the Senior Procurement Accountant for the "2016 Center City Signal Pole Painting; Contract No. 24".

There were (3) individuals attending the opening representing contractors and the City.

Qualifying bids were received as follows:

J. Ranck Electric Co.	Mt. Pleasant	\$127,820.00
*Engineer's Estimate		155,000.00

Funding for this project has already been provided by through local foundation support and the Major Street Fund. This contract is for the traffic signal pole painting of various signal poles within the Center City District. This project has been recommended and reviewed by the Center City Authority board, Engineering Department and the Department of Public Services, and approved by City Council during the annual Construction Priority process.

It is our recommendation that the low bid of \$127,820.00 submitted by J. Ranck Electric Co. of Mt. Pleasant be accepted in the best interest of the City of Midland.

Sincerely,

Selina Crosby Tisdale
City of Midland
Community Affairs Director



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

BY COUNCILMAN

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the traffic signal pole painting of various signal poles within the Center City District; and

WHEREAS, funding for this project is provided by local foundation support and the Major Street Fund; now therefore

RESOLVED, that the low sealed proposal submitted by J. Ranck Electric Company of Mt. Pleasant, Michigan, for the "2016 Center City Signal Pole Painting; Contract No. 24", in the indicated amount of \$127,820.00, based upon City estimated quantities is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$20,000.00.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk

CONT1624_RES

Backup material for agenda item:

10. * Traffic Signal Head Devices and Parts - Center City Pole Painting Project.
MCMANUS

SUMMARY REPORT TO THE CITY MANAGER

for City Council Meeting of October 10, 2016

SUBJECT: Purchase of Traffic Signal Devices and Parts for
Center City Signal Pole Painting

INITIATED BY: City of Midland Engineering Department

RESOLUTION SUMMARY: This resolution authorizes a purchase order in the amount of \$55,000.00 to Carrier & Gable Inc. using State Contract pricing, for traffic signal heads and equipment to be installed for the Center City Signal Pole Painting project.

ITEMS ATTACHED: 1. Cover Letter
2. Resolution

CITY COUNCIL ACTION: 3/5 vote required to approve resolution

SUBMITTED BY: Brian P. McManus, City Engineer



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

October 5, 2016

Jon Lynch, City Manager
City of Midland, Michigan

Dear Mr. Lynch:

The “2016 Center City Signal Pole Painting; Contract No. 24” includes construction activities at various signalized intersections within the Center City District. Work includes painting the signal poles, mast arms and controller cabinets. The traffic signal heads will be replaced and reflective backplates installed as well.

The traffic signal devices and parts are specialized items, which to maintain uniformity of across the City, we utilize product from a single supplier. These traffic signal devices and parts are available through State of Michigan contract number 071B0200025 with Carrier & Gable, Inc.

The City of Midland participates in the MiDEAL Extended Purchasing Program of the State of Michigan, for many purchases citywide. MiDEAL is an extended purchasing program which allows local units of government to use state contracts to buy goods and services. These contracts help to reduce markup, allow for uniformity and eliminate administrative duplication. Contracts available through MiDEAL are competitively bid and awarded at the state level. For this purchase we desire to use the MiDEAL process.

The traffic signal equipment listed below is considered for purchase to be installed with the signal pole painting project within the Center City District. The attached resolution authorizes a purchase order for these items to Carrier & Gable, Inc., using the State contract pricing, in the amount of \$55,000.00 for signal devices and parts.

Item No.	Item
1	LED Signal, 3 Level, Black in color
2	4 Level Left Turn Signal, Black in color
3	3 Level Bracket kit, Black in color
4	4 Level Bracket kit, Black in color
5	Backplate, 3 Level, Reflective
6	Backplate, 4 Level, Reflective
7	Rubber Grommets

Funding for this project is provided by local foundation support and the Major Street Fund. The project to paint traffic signal poles within the Center City District was recommended by the Center City Authority, the Engineering Department and approved by City Council during the annual Construction Priority process.

A 3/5 vote is required to approve the attached resolution to authorize a purchase order to Carrier & Gable Inc.

Respectfully submitted,

Brian P. McManus
City Engineer

Tiffany Jurgess
Senior Procurement Accountant

Signal Head Purchase for CCA_LTR



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

BY COUNCILMAN

WHEREAS, bids for traffic signal devices and parts are solicited by the State of Michigan's MiDEAL Extended Purchasing Program, and the City of Midland is authorized to make purchases from this program; and

WHEREAS, traffic signal devices and parts will be replaced at various intersections within the Center City District; and

WHEREAS, funding for this project is provided by local foundation support and the Major Street Fund; now therefore

RESOLVED, that a purchase order is hereby authorized to the State of Michigan's selected vendor, Carrier & Gable Inc., in the indicated amount of \$55,000.00, based upon City estimated quantities for traffic signal devices and parts, all in accordance with the State of Michigan's MiDEAL Extended Purchasing Program's proposal and specifications.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk

Backup material for agenda item:

- 11. * Fire Station 1 Renovation. COUGHLIN
 - a. * Asbestos Abatement Services
 - b. * Change Order with Three Rivers Corporation

SUMMARY REPORT TO MANAGER
For City Council Meeting of October 10, 2016

SUBJECT: Renovation of Fire Station Number 1

INITIATED BY: Fire Department

RESOLUTION SUMMARY:

1. Resolution approves payment of \$46,049 to the Quality Environmental Company for asbestos abatement services related to the renovation of Fire Station Number 1.
2. Resolution approves a change order to the contract with Three Rivers Corporation related to the renovation of Fire Station Number 1 in the amount of \$18,575.78.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolutions

COUNCIL ACTION:

1. 4/5 vote required to approve resolution #1
2. 3/5 vote required to approve resolution #2

Chris A. Coughlin
Fire Chief



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

October 16, 2016

Jon Lynch
City Manager

Dear Mr. Lynch:

The project to renovate Fire Station Number 1 is complete, but for wrapping up some of the final paperwork. Overall, the much-needed renovation project was very successful and will provide the City's firefighters with a much more habitable work environment, and help assure that the City can get several more years of service out of the building that was constructed in 1957.

The overall cost of the project was \$799,196, of which \$706,000 was funded by the generosity of local foundations, and the balance was paid by the City's General Fund budget.

The scope of the original project was expanded when asbestos was found during demolition. This created the need to remove and replace certain walls, ceilings, and the related electrical and mechanical appurtenances; none of which were part of the original project. The project scope was further expanded later in the project to replace dated storage lockers, and other furniture and fixtures that were nearing the end of their economic useful life. All additional costs related to the change in scope were funded by the City's General Fund.

Due to the timing of the discovery of asbestos, it wasn't practical to halt construction for a prolonged period of time to go through a bidding process. Instead, Quality Environmental Company of Gladwin, MI, was retained as both the City and the prime contractor had favorable experience with them. One of the resolutions provided for Council's consideration requests authorization to pay \$46,049 to Quality Environmental Company for the asbestos abatement.

While the City's budget provided adequate funding to complete the project, there was also some additional work performed by Three Rivers Corporation of Midland. Prior Council authorization for their contract is \$671,527.50. The second resolution for Council's consideration requests a change order to increase this amount by \$18,575.78 for a total cost of \$690,103.28.

Respectfully submitted,

Chris A. Coughlin
Fire Chief



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

BY COUNCILMAN

WHEREAS, during the construction phase of the remodel of Fire Station Number 1, asbestos was discovered, requiring immediate abatement; and

WHEREAS, given the timing of the asbestos discovery it was not practical to stop construction for a prolonged period to undergo a formal bidding process; and

WHEREAS, staff selected Quality Environmental Company of Gladwin, MI, to perform the asbestos abatement services and the cost of these services totaled \$46,049; and

WHEREAS, the 2016-17 General Fund budget includes additional funding for these unanticipated expenses; now therefore

RESOLVED, that the sum of \$46,049 is authorized to be paid to Quality Environmental Company for completion of the asbestos abatement for Fire Station Number 1.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeavote of all the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

BY COUNCILMAN

WHEREAS, the City underwent a major renovation to Fire Station Number 1, with the main contractor being Three Rivers Corporation; and

WHEREAS, the City Council approved limit to the contract with Three Rivers Corporation of Midland is currently \$671,527.50; and

WHEREAS, the final costs for services rendered by the Three Rivers Corporation related to the renovation of Fire Station Number 1 was \$690,103.28; now therefore

RESOLVED, that a change order to the contract with Three Rivers Corporation for the renovation of Fire Station Number 1 in the amount of \$18,575.78 is approved.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk

Backup material for agenda item:

12. * Moving Services for Washington Woods west wing apartment internal resident moves. KAYE

**SUMMARY REPORT TO CITY MANAGER
For City Council Meeting 10-10-16**

SUBJECT: Washington Woods Moving Company for West Wing Apartment Internal Resident Moves

PETITIONER: Washington Woods

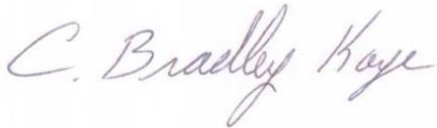
SUMMARY: THIS RESOLUTION AUTHORIZES A PURCHASE ORDER TO TWO MEN AND A TRUCK FOR \$20,900.00 FOR SERVICES TO MOVE WEST WING RESIDENTS FROM ORIGINAL, UNABATED APARTMENTS INTO FULLY ABATED AND NEWLY RENOVATED APARTMENTS.

ITEMS ATTACHED:

1. Letter to City Manager
2. Bid Tabulation for Bid No. 3822
3. Resolution for City Council Action

CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolution.



C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

10-10-16



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

October 5, 2016

Jon Lynch, City Manager
City Hall – 333 West Ellsworth Street
Midland, Michigan

Dear Mr. Lynch:

Early in 2015, asbestos containing materials were identified at the Washington Woods senior living facility. With generous support from The Herbert H. and Grace A. Dow Foundation, the Rollin M. Gerstacker Foundation and the Charles J. Strosacker Foundation, \$4 million in funding was secured to remove and abate the asbestos containing materials and renovate all 100 residential units in the west wing of the facility. This funding will be provided to the City by the Foundations over a three-year period of time, beginning in FY 2015/16.

As part of the renovation process, residents will be required to move from their existing apartment to another apartment so that their original unit may be abated and renovated. To facilitate this move, a moving company needs to be secured to move furniture and pre-packed boxes for the residents in the Washington Woods west wing as current Washington Woods staff are unable to provide this service. Securing a moving company will also ensure that Washington Woods is able to fully meet the general contractor time lines and phases for each group of apartments.

On September 13, 2016, sealed proposals were publicly opened and read for Bid No. 3822 for the moving company services. Five (5) proposals were received in response to the bid invitation. Two Men and a Truck of Midland was the low bid for this project and staff has determined that this moving company will meet the desired specifications. The bid tabulation table is attached showing all bids received.

It is recommended that City Council accept the proposal submitted by Two Men and a Truck for the Washington Woods west wing renovation project in the amount of \$20,900.00.

A 3/5 vote is required to approve the attached resolution.

Respectfully,

C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

Tiffany Jurgess
Senior Procurement Accountant

Moving Company WASH16

CITY OF MIDLAND, MICHIGAN
TABULATION FOR BID #3822
INTERNAL MOVING SERVICES FOR WW

September 13, 2016

<u>BIDDER</u>	<u>LUMP SUM</u>
Two Men and A Truck	\$20,900.00
Corrigan Moving Systems	\$23,925.00
Tri City Moving	\$27,020.00
A. Mack Moving and Storage	\$30,782.00
Stevens Worldwide Van Lines	\$35,810.00



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.midland-mi.org

BY COUNCILMAN

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Washington Woods west wing renovations moving services, Bid No. 3822; and

WHEREAS, sufficient funds are included in account # 536.9010.97.002 Capital Outlay and Construction of the approved Washington Woods 2016/17 budget; now therefore

RESOLVED, that the low-sealed bid proposal meeting City specifications submitted by Two Men and a Truck of Midland for moving services for the Washington Woods west wing internal resident moves for Bid No. 3822 is hereby accepted; and

RESOLVED FURTHER, that a purchase order in the amount of \$20,900.00 to Two Men and a Truck is hereby authorized in accord with this resolution and City Specifications.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk

Bid No. 3822

Moving Company WASH16

Backup material for agenda item:

13. * Jack Barstow Airport - Rehabilitate and Expand Southeast Apron Pavement -
Airport Grant Agreement. MCMANUS

SUMMARY REPORT TO THE CITY MANAGER

for Council Meeting of October 10, 2016

SUBJECT: Rehabilitate and Expand S.E. Apron Pavement
Jack Barstow Municipal Airport – Grant Agreement

INITIATED BY: City of Midland Engineering Department

RESOLUTION SUMMARY:

This resolution authorizes the Mayor and City Clerk to execute a grant contract with the Michigan Department of Transportation for design services related to asphalt pavement replacement at Jack Barstow Airport.

ITEMS ATTACHED:

1. Cover Letter
2. Resolution
3. Location Map

CITY COUNCIL ACTION:

3/5 vote required to approve resolution

SUBMITTED BY: Brian McManus, City Engineer



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

DATE: October 4, 2016

TO: Jon Lynch, City Manager

FROM: Brian McManus, City Engineer

SUBJECT: Jack Barstow Municipal Airport – Southeast Apron Reconstruction and Expansion – Airport Grant

As part of the five-year Jack Barstow Municipal Airport Capital Improvement Plan approved by the Aviation Advisory Commission, the City has coordinated efforts with the Michigan Department of Transportation (MDOT) to obtain federal and state grant funding for removal and replacement of asphalt pavement Southeast of the terminal building. The pavement has served its useful life.

This phase of the project involves MDOT grant for engineering design. This project has the support of the Aviation Advisory Commission, and is scheduled for construction late in the summer of 2017.

This project will eventually involve four separate contracts. The first contract is for design services and was approved by City Council on July 18 contingent upon funding becoming available. This second contract will establish Federal and State grant funding and a City cost share for the design of the project. A future third contract will be a grant for funding of construction and construction oversight. The final contract is for construction work. The City will be required to pay 5% of the costs for each phase.

The total estimated cost for the proposed work, including construction and engineering, is approximately \$290,000. The Federal Aviation Administration and State shares will total 95% of the project costs, or approximately \$275,500 and the City of Midland is responsible for the remaining 5%, or approximately \$14,500.

With regard to this grant contract currently under consideration, it will provide the funding for design engineering in the amount of \$32,354. The City cost share for this phase is \$4,654 including the 5% match plus a specific local share for the ramp the snow removal equipment storage area. Funding is provided in the Barstow Airport Budget.

Attached for City Council consideration is a resolution that approves the grant contract. The contract has been reviewed by the City Attorney. It is recommended that the grant contract be approved by City Council and that the Mayor and City Clerk be authorized to sign the agreement on behalf of the City of Midland.



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

BY COUNCILMAN

WHEREAS, a grant agreement has been submitted to the City of Midland by the Michigan Department of Transportation for work related to the design of asphalt apron repairs at Jack Barstow Municipal Airport; and

WHEREAS, the City of Midland supports having said design services rendered at an estimated City cost share of \$4,654; now therefore

RESOLVED, that the City Council hereby approves the proposed grant agreement with the Michigan Department of Transportation and authorizes the Mayor and City Clerk to execute the agreement on behalf of the City of Midland.

.

YEAS:

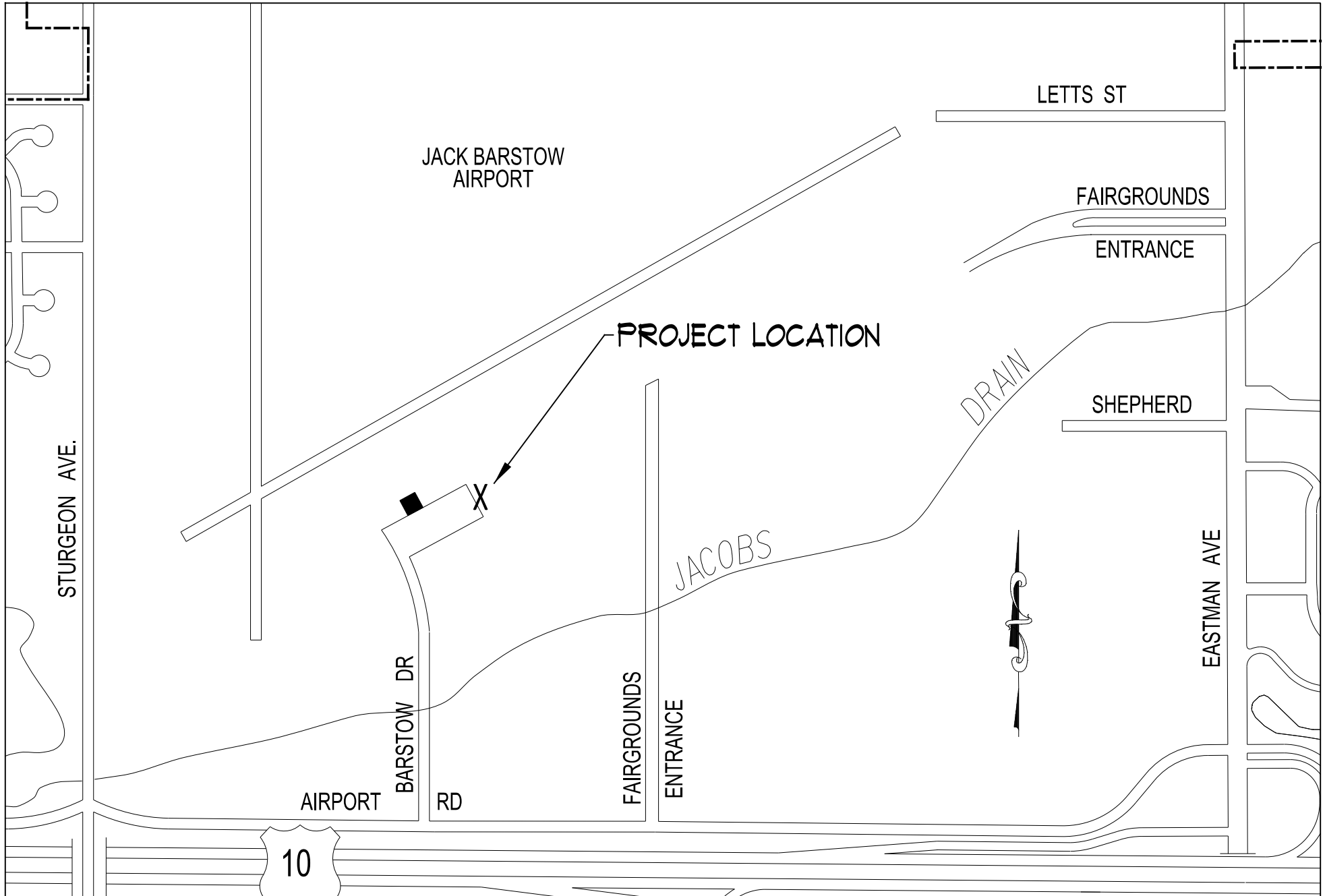
NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk

2016 Jack Barstow Apron Expansion



Backup material for agenda item:

14. * E10 Ethanol Blend Unleaded Fuel purchase from September 27 (4/5 vote required). MURPHY

SUMMARY REPORT TO MANAGER
For City Council Meeting of October 10, 2016

SUBJECT: Approve Fuel Purchase from September 27, 2016

RESOLUTION SUMMARY: This resolution waives the requirement for sealed proposals and approves the purchase of 13,403 gallons of E10 ethanol blend unleaded fuel from Tri-Lakes Petroleum for \$20,486.49 that was executed by the Senior Procurement Accountant on September 27, 2016.

ITEMS ATTACHED:

1. Transmittal letter to City Manager
2. Resolution

CITY COUNCIL ACTION:

1. 4/5 vote required to approve resolution

Karen Murphy
Director of Public Services

MMR



Midland

Department of Public Services ♦ 4811 North Saginaw Road ♦ Midland, Michigan 48640 ♦ 989.837.6900 ♦ 989.835.5651 Fax ♦ www.cityofmidlandmi.gov

October 3, 2016

Jon Lynch
City Manager
Midland, Michigan

RE: Approve fuel purchase made on September 27, 2016

At their December 17, 2007 meeting, City Council adopted a resolution that allows for the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next available Council meeting. Fuel is ordered on an as needed basis to maintain an adequate supply to meet the demand of the city fleet as well as to keep a reserve on hand to cover any unanticipated increase in usage. This process was reviewed by City Council on December 21, 2009 and is still deemed to provide significant cost savings to the City.

Fuel is purchased through a competitive bid process whereby the Senior Procurement Accountant faxes out a request for a price per gallon for unleaded and/or diesel fuel to a list of fuel suppliers. Interested suppliers fax back their prices the following morning. Due to the volatility of the fuel market, pricing is only valid for the remainder of that day. The fuel purchase is awarded to the lowest price supplier, and the fuel delivery is scheduled for that same day.

It should be noted that approval of fuel purchases will require a 4/5 vote due to the need to waive the requirement for sealed proposals as a result of the above-described bidding process.

Bids were received using this process on September 27, 2016 for 13,403 gallons of E10 ethanol blend unleaded fuel. Bids were received as follows:

Tri-Lakes Petroleum, Alma, MI	E10 Ethanol Blend Unleaded Fuel	\$1.5285/gallon
Paxson Oil, Saginaw, MI	E10 Ethanol Blend Unleaded Fuel	\$1.5750/gallon
Michigan Petroleum, Port Huron, MI	E10 Ethanol Blend Unleaded Fuel	\$1.5800/gallon

The low bid was received from Tri-Lakes Petroleum of Alma, Michigan, with a price of \$1.5285 per gallon. The unit price includes the delivery charge, and the total purchase price was \$20,486.49 for 13,403 gallons of fuel delivered.

We are requesting that Council waive the requirements for sealed bids, and approve the purchase of 13,403 gallons of E10 ethanol blend unleaded fuel from Tri-Lakes Petroleum for \$20,486.49 that was executed by the Senior Procurement Accountant on September 27, 2016.

Respectfully submitted,

Karen Murphy
Director of Public Services
MMR

Tiffany Jurgess
Senior Procurement Accountant



BY COUNCILMAN

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows for the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next City Council meeting; and

WHEREAS, City Council reviewed the process on December 21, 2009 and decided to continue as it still provides a significant cost savings to the City; and

WHEREAS, the volatility of the fuel market does not allow for staff to follow the usual sealed bid process for purchases exceeding \$20,000; and

WHEREAS, staff instead uses a competitive bid process whereby fuel vendors fax in prices that are valid for a particular day with the bid awarded to the lowest priced vendor; now therefore

RESOLVED, that the requirements for sealed proposals for the purchase of fuel are waived due to the volatility of the fuel market; and

RESOLVED FURTHER, that the purchase of 13,403 gallons of E10 ethanol blend unleaded fuel from Tri-Lakes Petroleum of Alma, Michigan for \$20,486.49 executed by the Senior Procurement Accountant on September 27, 2016, is hereby approved.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk

Backup material for agenda item:

15. * Water Service Fittings - Water Distribution. SOVA

SUMMARY REPORT TO MANAGER
For City Council Meeting of October 10, 2016

SUBJECT: WATER DISTRIBUTION – INVENTORY PURCHASES OF WATER
SERVICE FITTINGS, BID NO. 3821

INITIATED BY: Joseph Sova, Utilities Director

RESOLUTION SUMMARY: This resolution accepts the low total bid submitted by Michigan Pipe and Valve of Saginaw for inventory purchases of water service fittings, and authorizes a purchase order in an amount not to exceed of \$30,246.90, in accord with Sec. 2-18 of the Code of Ordinances for the City of Midland, and further authorizes the City Manager to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution

CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolution



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • CitizenCommentsWater@midland-mi.org

October 4, 2016

Jon Lynch, City Manager
Midland, Michigan

Re: WATER DISTRIBUTION – INVENTORY PURCHASES OF WATER SERVICE
FITTINGS, BID NO. 3821

Dear Mr. Lynch:

The City's Water Distribution Department repairs water mains, installs new services, and replaces corroded bolts and fittings throughout the distribution system. As many of these items require immediate attention when discovered, it is necessary to have an inventory of fittings and parts available. Periodic solicitations for bids are necessary as prices for much of the Department's inventory needs are only held by the vendor for a short period of time.

On Tuesday, September 13, 2016, sealed bids were received and opened for Bid No. 3821, Water Service Fittings. The bids received were for 37 individual items, based on estimated quantities to be purchased. The following total bids were received.

Bidder	Total Bid
Michigan Pipe and Valve – Saginaw	\$30,246.90
ETNA Supply - Grand Rapids	\$30,861.75
Municipal Supply Company - Portland	\$32,181.67

Staff considers the low bid from Michigan Pipe and Valve of Saginaw to be acceptable, and recommends award for inventory purchases of water service fittings from Water Enterprise Fund Account #591.13.031 – Water Parts Inventory.

The attached resolution will authorize a purchase order to Michigan Pipe and Valve in the amount of \$30,246.90, and further authorizes the City Manager to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00. A 3/5 vote is required to approve the resolution.

Respectfully submitted,

Joseph Sova, Utilities Director

Tiffany Jurgess, Sr. Procurement Accountant



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • CitizenCommentsWater@midland-mi.org

BY COUNCILMAN

WHEREAS, sealed bids for Bid No. 3821 Water Service Fittings, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, staff considers the low bid received from Michigan Pipe and Valve of Saginaw to be acceptable, and recommends award for inventory purchases of water service fittings; and

WHEREAS, the purchases will be made from Water Enterprise Fund Account #591.13.031 – Water Parts Inventory; now therefore

RESOLVED, that a purchase order is hereby authorized to Michigan Pipe and Valve of Saginaw in the amount of \$30,246.90; and

RESOLVED FURTHER, that the City Manager is hereby authorized to approve change orders in an aggregate amount not to exceed \$5,000.00.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk

Backup material for agenda item:

16. * Desktop and Notebook computers. UNDERHILL

SUMMARY REPORT TO CITY MANAGER
FOR THE CITY COUNCIL MEETING OF OCTOBER 10, 2016

SUBJECT: Purchase of desktop and notebook computers.

INITIATED BY: Tadd H Underhill
Information Services Manager

RESOLUTION SUMMARY: This resolution authorizes the purchase of desktop and notebook computers from the MiDEAL Extended Purchasing Program and the National Intergovernmental Purchasing Alliance (NIPA) contract administered by CDW-Government.

ITEMS ATTACHED:

1. Cover Letter to City Manager
2. Resolution approving the purchase of desktop and notebook computers from CDW-Government.

CITY COUNCIL ACTION:

1. Approval requires a 3/5 vote

Tadd H Underhill
Information Services Manager



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 * 989.837.2717 Fax ♦ www.cityofmidlandmi.gov

October 4, 2016

Jon Lynch, City Manager
City of Midland, Michigan

Dear Mr. Lynch:

Each year computers are replaced after they reach the end of their five-year installation period. In preparation for this year's purchase, Information Services obtained unit pricing from the MiDEAL Extended Purchasing Program and the National Intergovernmental Purchasing Alliance (NIPA) contract pricelist administered by CDW-Government.

MiDEAL is an extended purchasing program through the Michigan Department of Technology which allows Michigan cities, townships, villages, counties, school districts, universities, community colleges and nonprofit hospitals to use state contracts to buy goods and services at a reduced cost.

The NIPA state and local government contract provides competitive large volume bid prices in order to achieve cost-effective acquisition of quality products and services. All educational and governmental entities are welcome to use this agreement.

Information Services analyzed which hardware and software meets the organization's current and future needs. Since all computers in the organization are on a five-year replacement schedule, it is important to purchase computers with enough processing power to run current and future software adequately. Based on this research, the following desktop and notebook computer specifications were selected:

Desktop Computer	Notebook Computer
Intel Core i5 6500 3.2 GHz processor	Intel Core i5 6200U 2.3GHz processor
8GB RAM	8GB RAM
240GB SATA SSD hard drive	500GB hard drive
DVD-RW drive	15.6" Display
100/1000 Ethernet NIC	DVD-RW drive
Integrated audio	Wireless and 100/1000 Ethernet LAN
Keyboard	Windows 7/10 Professional
Mouse with scroll wheel	1 year on-site warranty

Windows 7/10 Professional	
1 year on-site warranty	

A total of 55 desktop computers and 16 notebook computers will be required this year. The MiDEAL and NIPA contract prices are listed in the following table. Acer desktop computers and HP notebook computers have been selected due to their high quality, low cost, and ease of maintenance. Additionally, Acer desktop computers were chosen to maintain consistency with devices already installed on staff desktops.

Item	Qty	MiDeal	NIPA	Total Price
Desktop Computer	55	\$656.00		\$36,080.00
Notebook Computer	16		\$585.86	\$9,373.76

We request that Council approve the resolution to purchase desktop and notebook computers from CDW-Government in the amount of \$45,453.76. Sufficient funding exists in the Information Services Operations Fund, and its 2016-17 budget includes sufficient appropriations to pay the 2016-17 expenditures.

If you have any questions, please let me know.

Respectfully submitted,

Recommended by:

Tadd H Underhill
Information Services Manager

Tiffany Jurgess
Senior Procurement Accountant



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 * 989.837.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, 55 desktop and 16 notebook computers are scheduled for replacement; and

WHEREAS, pricing for new computer equipment has been obtained from the MiDEAL Extended Purchasing Program and the National Intergovernmental Purchasing Alliance (NIPA) contract administered by CDW-Government; and

WHEREAS, sufficient funding exists in the Information Services Operations Fund, and its 2016-17 budget includes sufficient appropriations to pay the 2016-17 expenditures; now therefore

RESOLVED, that the City Council hereby approves payment to CDW-Government in the amount of \$45,453.76 for desktop and notebook computers.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk

Backup material for agenda item:

17. * 2016-17 Budget Amendment to the Midland Police Department Fund to increase revenue from the Midland Area Community Foundation Community Investment Grant to provide for Critical Incident Response equipment (11/14).
BLOCK

SUMMARY REPORT TO MANAGER
for City Council Meeting of October 10, 2016

SUBJECT: Midland Police Department budget amendment in response to Midland Area Community Foundation grant.

INITIATED BY: Clifford Block, Chief of Police, Midland Police Department

RESOLUTION SUMMARY: This resolution establishes a public hearing for Monday, November 14, 2016, at 7:00 p.m. in the Council Chambers on a proposal to amend the FY 2016-2017 budget of the Midland Police Department to recognize \$33,894 of additional revenue from the Midland Area Community Foundation Community Investment Grant to provide for Critical Incident Response equipment.

ITEMS ATTACHED:

1. Letter of transmittal
2. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

A handwritten signature in dark ink, appearing to read "Clifford A. Block". The signature is fluid and cursive, with a large initial "C" and "B".

Clifford Block, Chief of Police
Midland Police Department



Midland

Police Department ♦ 2727 Rodd Street ♦ Midland, Michigan 48640-4474 ♦ 989.631.5716 ♦ 989.839.4734-Fax ♦ citypolice@midland-mi.org

October 3, 2016

TO: Jon Lynch, City Manager

SUBJECT: Police Department budget amendment in response to MACF grant.

The Midland Police Department and Midland Area Community Foundation have collaborated to improve the services provided to the citizens and visitors to the City of Midland. Through a generous grant by the Midland Area Community Foundation, the Midland Police Department will be able to purchase vital, life-saving equipment, such as tourniquets, chest seals, and packable gauze, along with equipment to ensure officers are capable of rendering aid in dangerous environments.

In recent years, police training has changed, especially as it pertains to critical incident response, such as traumatic injuries and active shooter response. In the event of a traumatic injury, such as a car crash or a serious assault, the timely application of emergency first aid is essential to saving lives. In those circumstances, officers may respond ahead of EMS. All Midland Police Officers have been trained in CPR, Basic First Aid, and Tactical Emergency Casualty Care. Through this grant, the officers will be provided with equipment necessary to quickly and effectively provide care consistent with that training.

In active shooter incidents, officers may face multiple suspects armed with rifles. Officers need enhanced body armor to protect themselves from those threats. During those same incidents, officers may need to provide emergency medical care to themselves, other officers, or injured victims before the scene is secure enough for EMS or Fire Rescue personnel.

The City of Midland Police Department is the recipient of a 2016 Midland Area Community Foundation Community Investment Grant. This grant funding is for \$33,894. The grant period concludes on February 28, 2017.

The 2016 Midland Area Community Foundation Community Investment Grant allocation of \$33,894 for the City of Midland Police Department will be used to purchase Critical Incident Response equipment, consisting of two separate components. The first is an individual first aid kit for the officer to wear as part of their daily patrol uniform, giving them immediate access to life-saving medical equipment, such as tourniquets, packable gauze, chest seals, and pressure dressings. The second component is an Active Shooter Response Kit. This will consist of an enhanced ballistic vest, additional magazines for patrol rifles and pistols and medical supplies to treat multiple casualties.

Attached is a resolution to establish a public hearing on Monday, November 14, 2016, to amend the Police Department budget to recognize the increased revenue of \$33,894 and direct the City Clerk's office to give proper public notice.

Respectfully,

A handwritten signature in cursive script, reading "Clifford A. Block". The signature is written in dark ink and is positioned above the printed name.

Clifford Block, Chief of Police
Midland Police Department



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • www.midland-mi.org

BY COUNCILMAN

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, November 14, 2016, in the Council Chambers of City Hall on the proposal to amend the FY 2016-2017 budget of the Midland City Police Department to recognize an additional \$33,894 of revenue from the Midland Area Community Foundation Community Investment Grant to provide for Critical Incident Response equipment, and direct the City Clerk to give notice as provided in Section 5.11 of the Charter of the City of Midland.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeavote of all the Councilmen present at a regular meeting of the City Council held Monday, October 10, 2016.

Selina Tisdale, City Clerk